



## NOTICE

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The original documents referenced in this file are available for inspection in the Office of the City Clerk, 215 Church Avenue, Room 456, Municipal Building, Roanoke, Virginia 24011.

To receive the City Council agenda (without reports) automatically via e-mail, contact the Office of the City Clerk at [clerk@ci.roanoke.va.us](mailto:clerk@ci.roanoke.va.us) or (540) 853-2541. The City Council agenda (with or without reports) for each meeting is available at [www.ci.roanoke.va.us](http://www.ci.roanoke.va.us).

Mary F. Parker  
City Clerk



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 18, 2001  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend John S. Johnson, Director of Programs, Rescue Mission.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 21, 2001, at 7:00 p.m., and Saturday, June 23, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [www.roanokegov.com](http://www.roanokegov.com), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.**

## **PRESENTATIONS:**

Proclamation declaring November 19 - 23, 2001, as “The Week of the Family”.

A Resolution in recognition of the work of Deborah J. Moses, Executive Director of the Hotel Roanoke Conference Center Commission.

## **2. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1            Minutes of the regular meeting of Roanoke City Council held on Monday, June 4, 2001.

RECOMMENDED ACTION:    Dispense with the reading thereof and approve as recorded.

- C-2            A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION:    Concur in request.

- C-3            A communication from Council Member William D. Bestpitch requesting a Closed Meeting to discuss appointments to a specific committee, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION:    Concur in request.

- C-4           A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

- C-5           Minutes of the meeting of the Audit Committee held on Monday, June 4, 2001.

RECOMMENDED ACTION: Receive and file.

- C-6           A communication from Robert H. Bird, Municipal Auditor, submitting his notice of retirement as Municipal Auditor for the City of Roanoke, effective September 28, 2001.

RECOMMENDED ACTION: Receive and file the communication and accept the notice of retirement.

- C-7           A communication from David A. Bowers, Chair, Passenger Rail Service Committee, transmitting copy of a portion of the Spring 2001 newsletter, *The Inside Track*, with regard to recent statistics on Amtrak ridership and revenues for the first half of fiscal year 2001.

RECOMMENDED ACTION: Receive and file.

- C-8           A communication from the City Manager recommending that a public hearing be advertised for Monday, July 2, 2001, at 2:00 p.m., in connection with an agreement with the YMCA to partner with the City on the development and use of a new facility.

RECOMMENDED ACTION: Concur in request.

- C-9           A communication from the Honorable Ralph K. Smith, Mayor, transmitting the 2001 Report of the Board of Equalization.

RECOMMENDED ACTION: Receive and file.

- C-10            Qualification of Nancy F. Canova as a member of the Fair Housing Board for a term ending March 31, 2004.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **3. HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.**

### **4. PETITIONS AND COMMUNICATIONS:**

- a.     A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, recommending acceptance of grant funds, in the amount of \$20,191.00, from the Compensation Board Technology Trust Fund for upgrades to current recordation equipment; and a communication from the City Manager concurring in the recommendation.
- b.     A communication from the Roanoke City School Board requesting appropriation of funds to certain school accounts for fiscal year 2001-02; and a report of the Director of Finance recommending that Council concur in the request.

### **5. REPORTS OF OFFICERS:**

- a.     CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1.     A communication recommending execution of an agreement with the History Museum and Historical Society of Western Virginia to operate the old Crystal Spring Pumping Station Museum, upon certain terms and conditions.

2. A communication recommending appropriation of \$95,000.00 in connection with two transportation projects.
3. A communication recommending acceptance of a Bulletproof Vest Partnership Grant from the U. S. Department of Justice, in the amount of \$14,515.00; and appropriation of funds in connection therewith.
4. A communication recommending acceptance of Emergency Shelter Grant funds for fiscal year 2001-02, in the amount of \$76,000.00, from the U. S. Department of Housing and Urban Development; and appropriation of funds in connection therewith.
5. A communication recommending acceptance of fiscal year 2001-02 funds for the HOME Investment Partnerships Program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith.
6. A communication recommending acceptance of fiscal year 2001-02 funds for the Community Development Block Grant program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith.
7. A communication recommending an amendment to the Annual Update to the Consolidated Plan for fiscal year 2000-01.
8. A communication with regard to Amendment No. 2 with Wiley and Wilson, Inc., for additional design services for the Crystal Spring Treatment Plant.
9. A communication with regard to extension of real estate tax exemption to Enterprise Zone One and extension of time of applicability of local incentives to enterprise zones.

10. A communication with regard to Capital Improvements Program funding for fiscal year 2002-2006.
11. A communication with regard to fund appropriations totaling \$127,000.00 to the Capital Maintenance and Equipment Replacement Program.
12. A communication with regard to the Summer Food Service Program fund appropriation.
13. A communication transmitting recommendations of the Cultural Services Committee for fiscal year 2001-02.
14. A communication with regard to bids received by the City for water and wastewater treatment chemicals.
15. A communication with regard to bids received by the City for ductile iron water pipe from U. S. Filter Distribution Group, Inc.
16. A communication with regard to revisions to the Sewer Use Standards.
17. A joint communication from the City Manager and the Director of Finance with regard to appropriation of \$4 million from Series 2002 GOB - South Jefferson Street project.

b. CITY ATTORNEY:

1. A report recommending adoption of a measure to readopt and reenact the Code of the City of Roanoke (1979).

c. DIRECTOR OF FINANCE:

1. A report with regard to budget adjustments in the Risk Management Internal Service Fund.



2. A report with regard to appropriation of \$73,200.00 to the 2001-02 Transportation Fund budget to provide for an automated parking ticket system.
3. A report recommending transfer of funds from completed capital projects to appropriate accounts.
4. A report with regard to appropriation of Roanoke City School Board grants for fiscal year 2001-02.

**6. REPORTS OF COMMITTEES: NONE.**

**7. UNFINISHED BUSINESS:**

- a. A communication from the City Manager recommending adoption of a policy on the sale of land in City-owned watersheds.

**8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**9. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

**10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**CERTIFICATION OF CLOSED SESSION.**

**THE MEETING OF ROANOKE CITY COUNCIL WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR A MEETING WITH THE CITY PLANNING COMMISSION AND THE VISION 2001 COMPREHENSIVE PLAN ADVISORY COMMITTEE, FOLLOWED BY A JOINT MEETING OF COUNCIL AND THE CITY PLANNING COMMISSION.**

**FOLLOWING THE SESSION OF COUNCIL AND THE CITY PLANNING COMMISSION, THE MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 18, 2001  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

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## **A. PUBLIC HEARINGS:**

1. Public hearing on a request of Richard A. Dearing to vacate, discontinue and close a certain public alley extending between Richelieu and Crystal Spring Avenues, S. W. Richard A. Dearing, Spokesperson.
2. Public hearing on a request of Shenandoah Crossing, L. P., that an alley extending between Shenandoah and Centre Avenues, N. W., Official Tax No. 2013606, be permanently vacated, discontinued and closed. Daniel F. Layman, Jr., Attorney.
3. Public hearing on a request of Melrose Properties, L.L.C., that a tract of land located at Melrose Avenue and 24<sup>th</sup> Street, N. W., Official Tax No. 2420205, be rezoned from C-2, General Commercial District, to IPUD, Industrial Planned Unit Development District, subject to certain proffered conditions. David A. McCray, Spokesperson.
4. Public hearing to receive citizen input on a proposed amendment to Roanoke Vision, the City's Comprehensive Development Plan for Roanoke, to include the Melrose-Rugby Neighborhood Plan as an element of said Plan. D. Kent Chrisman, Chair, City Planning Commission.
5. Public hearing to receive citizen input on a proposal to convey portions of City owned property located at the Roanoke Centre for Industry and Technology to Blue Hills Golf Corporation (approximately 14,000 square feet) and to Anderson Wade Douthat, *et al.* (approximately 12,000 square feet). Darlene L. Burcham, City Manager.
6. Public hearing on a request of the City of Roanoke that a certain alley which crosses Official Tax No. 4010213, between Norfolk Avenue, S. E., and property bearing Official Tax No. 4010209, and facing Salem Avenue, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

**B. OTHER HEARING OF CITIZENS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**June 4, 2001**

**12:15 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, June 4, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----6.**

**ABSENT: Council Member C. Nelson Harris-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**CITY ATTORNEY-COUNCIL: A report of the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.**

**(For full text, see report on file in the City Clerk's Office.)**

**Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**CITY ATTORNEY-COUNCIL:** A report of the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

**(For full text, see report on file in the City Clerk's Office.)**

**Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

**(Council Member Harris was absent.)**

**CITY COUNCIL:** A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White,

and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**COMMITTEES-COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess.

At 2:00 p.m., on Monday, June 4, 2001, the regular meeting of Roanoke City Council reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----6.

**ABSENT:** Council Member C. Nelson Harris -----0.



**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS:**

**ACTS OF ACKNOWLEDGMENT-CITY COUNCIL-DECEASED PERSONS:**  
Mr. White offered the following resolution memorializing the late William S. Hubbard, former Roanoke City Council Member:

(#35372-060401) A RESOLUTION in memory of William Stebbins Hubbard, a former member of Roanoke City Council, an exceptional businessman and an extraordinary community leader.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35372-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Harris was absent.)

**PUBLIC HEARINGS:**

**BONDS/BOND ISSUES-ROANOKE CIVIC CENTER:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, and instructions by Council, the City Clerk having advertised a public hearing for Monday, June 4, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard, to receive comments with regard to a proposed resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the principal amount of \$3,000,000.00 for the purpose of

providing funds to pay the costs of a public improvement project of and for the City, consisting of capital improvements to the Roanoke Civic Center, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, May 21, 2001, and Monday, May 28, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A joint communication from the City Manager and the Director of Finance advising that on May 7, 2001, Council authorized City officials to enter into a License Agreement between the City of Roanoke and Arena Ventures, LLC, that would provide for use of the Civic Center Coliseum and certain related facilities by Arena Ventures; Arena Ventures will use the facilities to provide a certain number of National Basketball Development League games and a certain number of events produced by SFX Concerts, Inc., over a five year period; and in order to meet requirements of the license agreement, capital improvements to the Civic Center Coliseum in the amount of \$3 million are required, which funding will be provided by the issuance of general obligation bonds by the City, was before Council.

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing the issuance of \$3 million general obligation bonds, pursuant to the Public Finance Act of 1991 (Code of Virginia).

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35373-060401) A RESOLUTION authorizing the issuance of three million dollars (\$3,000,000.00) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such city, for the purpose of providing funds to pay the costs of a public improvement project of and for such city, consisting of capital improvements to the Roanoke Civic Center; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution

and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35373-060401. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Resolution No. 35373-060401 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Council Member Wyatt expressed concern that the Civic Center facility is currently booked to capacity, and because of the high activity level, she requested a report from the City Manager with regard to the timetable for completion of one of the exhibit halls and the funding mechanism.

The City Manager advised that the abovereferenced \$3 million renovations can be accomplished without hampering previously scheduled events, and the issue of additional exhibit hall space was addressed with Council on a preliminary basis during previous discussions regarding future needs of the Civic Center. She added that the first \$3 million is dedicated to those immediate improvements that are needed to accommodate the various sports franchises, and in the long term, if multiple events are to be scheduled in the facility, certain repairs and additional exhibit hall space will be necessary.

Without objection by Council, the Mayor advised that the public hearing would be closed.

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the special sessions of Roanoke City Council held on Monday, April 23, 2001; the regular meeting held on Monday, May 7, 2001, and recessed until Thursday, May 10, 2001, for the Second Annual Leadership Summit; and the regular meeting held on Monday, May 21, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. White moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Harris was absent.)

**OATHS OF OFFICE-COMMITTEES-PENSIONS:** A communication from Robert E. Tonkinson, Jr., tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan, effective June 30, 2001.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

**(Council Member Harris was absent.)**

**TAXES-SPECIAL PERMITS:** A communication from the City Manager advising that the Blue Ridge Small Business Development Center, Inc., owner of properties described as Official Tax Nos. 1130809, 1130719, 1130511, 1130512, 1130514, 1130515, and 1130516, has submitted an application for tax exemption, which land is currently home to the New Century Venture Center, an incubator for small businesses; and prior to considering the application, the Code of Virginia (1950), as amended, requires that City Council hold a public hearing.

The City Manager recommended that she be authorized to advertise a public hearing for Monday, June 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider the application.

**(For full text, see communication on file in the City Clerk's Office.)**

Mr. White moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER:** The following report of qualification was before Council:

Minnis E. Ridenhour as a Commissioner of the Hotel Roanoke Conference Center Commission for a term ending February 24, 2005.

**(See Oath or Affirmation of Office on file in the City Clerk's Office.)**

Mr. White moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

### **REGULAR AGENDA**

**HEARING OF CITIZENS UPON PUBLIC MATTERS: None.**

**PETITIONS AND COMMUNICATIONS: None.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: None.**

**ITEMS RECOMMENDED FOR ACTION:**

**POLICE DEPARTMENT-HOUSING/AUTHORITY-EQUIPMENT: The City Manager submitted a communication advising that when the Police Department instituted the Community Oriented Police Effort (C.O.P.E.) in 1991, the Department began investigating the reasons for the high number of calls and crime in Housing Authority residences; the Police Department determined that the residents feared those individuals who did not live in the complexes who were causing crime and disorder, and trespassers, not residents, were committing the majority of offenses; with the assistance of the Police Department, the Housing Authority started barring these individuals from the properties that they controlled, but with only limited success toward controlling the problem; and in the year 2000, the Barment Program was developed which gave police officers the authority to bar individuals who were observed committing criminal offenses on Housing Authority properties and enforce trespassing laws for those individuals who had been previously barred.**

**It was further advised that the Police Department, using innovative technology, has developed a “Trespassing Tracking System”, which would provide police officers with immediate access to photographs of barred individuals, along with comprehensive personal data on each barred person; typically, trespassers on Housing Authority properties carry no identification which makes identification by police officers of individuals who have been barred difficult; without immediate**

positive identification, the officer is unable to enforce trespassing laws and, therefore, is unable to effectively carry out the barment program in an effort to reduce crime and fear; using this system, police officers would have access, via a laptop computer, to a database that would include all pertinent information on the barred subject, along with a photograph for identification purposes; and the goal of the program is to enhance the quality of life for residents living on Roanoke Redevelopment and Housing Authority properties and to increase the safety of these areas by removing those individuals who are the source of criminal activity and in many instances prey upon residents who live in these communities.

It was explained that implementation of the program will require the purchase of laptop computers, digital cameras, and software to build the database of barred persons; and the Roanoke Redevelopment and Housing Authority would like to provide \$20,000.00 to the Roanoke Police Department to fund implementation of the Trespassing Tracking System.

The City Manager recommended that Council accept and appropriate a \$20,000.00 grant from the Roanoke Redevelopment and Housing Authority into accounts to be established by the Director of Finance in the Grant Fund for expendable equipment; and establish a revenue estimate in the same amount in the Grant Fund.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35374-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35374-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**Mr. Bestpitch offered the following resolution:**

**(#35375-060401) A RESOLUTION accepting and expressing appreciation for the grant from the Roanoke Redevelopment and Housing Authority.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35375-060401. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**DONATIONS/CONTRIBUTIONS-NORFOLK SOUTHERN CORPORATION-VIRGINIA TRANSPORTATION MUSEUM: The City Manager submitted a communication advising that Shenandoah-Virginia Corporation, a wholly owned subsidiary of Norfolk Southern Railway Company, would like to donate the Number 1218 Steam Locomotive to the City of Roanoke; with Council's acceptance of this gift, the locomotive will be showcased at the Virginia Museum of Transportation's railyard, according to provisions outlined by Shenandoah-Virginia Corporation in a draft agreement; and the Transportation Museum has agreed to insure the locomotive and to maintain same as a part of the Museum's collection.**

**It was further advised that the donation of the 1218 will not take effect until Center in the Square successfully obtains exclusive rights from O. Winston Link's Estate to house the O. Winston Link Museum at the former Norfolk and Western Railway Company passenger station, and until Center in the Square satisfies Shenandoah-Virginia Corporation that locating the 1218 Locomotive at the Virginia Museum of Transportation meets any and all of the Estate's conditions for obtaining such rights.**

**The City Manager recommended that she be authorized to execute an agreement, and any other necessary documents, in a form approved by the City Attorney, to accept the donation of the 1218 locomotive from Shenandoah-Virginia Corporation to be showcased at the Virginia Museum of Transportation and that the City of Roanoke express appreciation for the donation.**

**(For full text, see communication on file in the City Clerk's Office.)**



**Mr. Hudson offered the following resolution:**

**(#35376-060401) A RESOLUTION authorizing the City Manager to execute an Agreement, and any other necessary documents, for acceptance of the donation of the 1218 Locomotive from the Shenandoah-Virginia Corporation, a wholly owned subsidiary of Norfolk Southern Railway Company, and expressing appreciation for the donation.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Hudson moved the adoption of Resolution No. 35376-060401. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**BUDGET-GRANTS-POLICE DEPARTMENT: The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and the property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.**

**It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by the City's taxpayers; and revenues totaling \$28,568.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.**

**The City Manager recommended that Council appropriate \$28,568.00 to the**

**Grant Fund, Account for Exp. Equipment (No. 035-640-3304-2035) and increase the Grant Fund revenue estimate for Account No. 035-640-3304-3305 by \$25,801.00 and Account No. 035-640-3304-3306 by \$2,767.00.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder offered the following emergency Ordinance:**

**(#35377-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Carder moved the adoption of Ordinance No. 35377-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**BUDGET-FDETC-FIRST UNION NATIONAL BANK-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke, First Union and the Fifth District Employment and Training Consortium (FDETC) agreed that if First Union would maintain 420 jobs in Enterprise Zone One, training funds would be available; the agreement states that First Union is responsible for repaying \$400.00 for each position below 420; an October 2000 compliance review noted that only 335 First Union employees are now located in Enterprise Zone One; the City of Roanoke recently received a check from First Union in the amount of \$34,000.00, representing repayment for 85 positions; and said funds need to be appropriated to an account within the City's budget.**

**It was further advised that the penalty repayment provides an opportunity to further maintain and stimulate economic activity within Enterprise Zone One; currently, the Roanoke City Market Building (also located in Enterprise Zone One) is**

in need of various repairs and improvements; and such improvements will sustain business growth and expansion within the Market Building.

The City Manager recommended that Council appropriate First Union repayment funds to an account to be established in the Capital Projects Fund by the Director of Finance to be designated for Market Building Improvements.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35378-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35378-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**INDUSTRIES-ECONOMIC DEVELOPMENT:** The City Manager submitted a communication advising that in 1999, budget Ordinance No. 34214 appropriated \$450,000.00 in State Industrial Access Funds to Account No. 008-002-9700-9007 for the Johnson & Johnson project; since the appropriation, the City has been notified as to the ineligibility of this project for Industrial Access Funds, therefore, funds must be de-appropriated; and the funds have not been received by the City or used on any project; therefore, de-appropriation is the only required action and alternate funding is not needed.

The City Manager recommended that Council de-appropriate funds in Account No. 008-002-9700-9007, Johnson and Johnson Offsite Improvements, and reverse the

account receivable in the same amount in Account No. 008-1251, Industrial Access Due From State.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35379-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35379-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**BUDGET-CMERP-EQUIPMENT-WATER RESOURCES-SEWERS AND STORM DRAINS-SIDEWALK/CURB AND GUTTER:** The City Manager submitted a communication advising that on October 2, 2000, Council concurred in funding recommendations for fiscal year 2000-01 Capital Maintenance and Equipment Replacement Program (CMERP); CMERP is used to fund equipment purchases, maintenance and other one-time priority purchases; and approval by Council is required for appropriation of funds from CMERP to various accounts to allow for acquisition of the following:

**National Pollution Discharge Elimination System (NPDES)**

**Phase 2 - \$110,000.00**

To prepare the required permit application and address funding for this new EPA law which the City must comply with beginning in 2003.

**Miscellaneous Storm Drain Projects - \$155,000.00**

To provide for land acquisition, design and construction of the City's highest-priority, small storm drain projects.

**Curb and Gutter - \$50,000.00**

To provide curb and gutter required for the construction of certain storm drain projects.

The City Manager recommended that Council appropriate \$315,000.00 to departmental accounts as follows:

\$110,000.00 to an account in the Capital Projects Fund to be established by the Director of Finance entitled, "NPDES Phase 2".

\$155,000.00 to Miscellaneous Storm Drain, Account No. 008-530-9736.

\$50,000.00 to an account in the Capital Projects Fund to be established by the Director of Finance entitled, "Curb to Support Drainage Projects".

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35380-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35380-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**WORKERS' COMPENSATION-CITY EMPLOYEES:** The City Manager submitted a communication advising that Workers' Compensation is defined as the "exclusive

remedy, under law, for all covered employees for compensating injuries and occupational diseases arising in the course of and within the scope of employment.”; the City is currently self-insured for Workers’ Compensation liability with excess insurance above the \$1,000,000.00 (per occurrence) level; funding has been budgeted in the General Fund for the current fiscal year to cover Workers’ Compensation wage and medical payments; and these types of fringe benefits are budgeted as a lump sum in the non-departmental category because annual charges for each department are difficult to project accurately.

It was further advised that payments in the General Fund in fiscal year 2001 are expected to total \$1,102,328.00 based on trends through April; expenses in fiscal year 2001 are higher than they typically have been due to large medical costs; in fiscal year 2001, there have been large individual payments for various heart ailments, injuries and infections, many of which have dates of injury occurring prior to fiscal year 2001; and funding to cover these payments is available from budgeted Workers’ Compensation supplemented by funding from the General Fund contingency balance and residential detention services.

The City Manager recommended that Council authorize the transfer of \$1,102,328.00 to cover Workers’ Compensation claims in departmental Workers’ Compensation accounts from the following sources:

<u>Funding Sources:</u>	<u>Account No.</u>	<u>Amount</u>
Workers’ Compensation-Wages	001-250-9110-1135	\$400,000.00
Workers’ Compensation-Medical	001-250-9110-1140	\$400,000.00
Contingency Fund	001-300-9410-2199	\$152,328.00
Residential Detention Services	001-121-2130-2008	<u>\$150,000.00</u>
		\$1,102,328.00

(For full text, see communication on file in the City Clerk’s Office.)

Mr. Carder offered the following emergency ordinance:

(#35381-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35381-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**HUMAN DEVELOPMENT-LEASES:** The City Manager submitted a communication advising that the State Department of Social Services is interested in providing two classrooms, which will be used to provide computer training to the Department of Social Services agency staff for the Piedmont region; Roanoke is the largest agency in the region and presently staff is being sent to other locations such as Richmond, Northern Virginia and Tidewater which requires overnight stay for some seminars.

It was further advised that classrooms will utilize a 2,200 square foot area adjacent to current leased space; and the rate is \$30,984.00 annually which includes the cost for renovations, with the cost to be reimbursed 100 per cent by the State.

The City Manager recommended that Council execute a lease agreement with First Campbell Square, LLC, such agreement to be approved as to form by the City Attorney, for 2,200 square feet for a lease term of five years, ending April 30, 2006; and appropriate \$30,984.00 to VISSTA, Account No. 001-630-5318-3075, and increase the General Fund Revenue estimate by \$30,984.00 in Account No. 001-110-1234-0671.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency ordinance:

(#35382-060401) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35382-060401. The motion was seconded by Mr. White and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**Mr. Carder offered the following resolution:**

**(#35383-060401) A RESOLUTION authorizing the City Manager to enter into a lease agreement with First Campbell Square, LLC, for the lease of space at 210 First Street, for use by the City of Roanoke, upon certain terms and conditions.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Carder moved the adoption of Resolution No. 35383-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**POLICE DEPARTMENT-BUDGET-GRANTS-FIFTH PLANNING DISTRICT COMMISSION-DISABILITY SERVICES BOARD: The City Manager submitted a communication advising that the Fifth District Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; and Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595.**

**It was further advised that the State Department of Rehabilitative Services has allocated funds in the amount of \$7,000.00 to the Fifth District DSB for the Brain Injury Association of Virginia, to provide an education program in the Roanoke area; the Brain Injury Association of Virginia will provide a local cash match of \$701.00 which will also be used toward scholarship funds for program participants; funds will be used to provide an education program in the Roanoke area, specifically to provide 100 scholarships valued at \$70.00 each for attendees to a full day's conference on brain injury, featuring nationally recognized speakers; and this project will be the first**



effort to conduct a brain injury education program in the Roanoke area with a target audience of survivors of brain injury, caregivers and service providers.

The City Manager recommended that Council appropriate \$7,701.00 to Fees for Professional Services in a grant fund account to be established by the Director of Finance and create a corresponding revenue estimate from the State Department of Rehabilitative Services to provide funding for the Fifth District Disabilities Services Board.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35384-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35384-060401. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Council Member Wyatt suggested that law enforcement officers and attorneys receive educational training with regard to persons suffering from head trauma.

**CITY CODE-PARKS AND RECREATION-FEE COMPENDIUM:** The City Manager submitted a communication advising that on April 16, 2001, Council revised the Alcohol Ordinance, City Code §26-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property, to allow, pursuant to issuance of a City alcohol permit, the possession or consumption of alcoholic beverages at certain specific locations: Elmwood Park, Mill Mountain Park, Century Square, First Union Plaza and Mountain View; as the revised ordinance stands, only 501(c) non-profit organizations would be allowed to apply for the City

alcohol permit; while the overall intent for the revision of the ordinance was to include all sites within the City's park system where alcohol consumption should be allowed, it was not intended to limit permits to non-profit organizations for all of the listed locations; rather, the goal was to allow alcohol consumption at parties by not only non-profit organizations, but also private individuals and for-profit entities at Mountain View and the Discovery Center; and this clarification was unintentionally omitted from the previous report, therefore, the ordinance was drafted based upon the report.

It was further advised that alcohol consumption at parties by individuals and for-profit organizations, as well as non-profit organizations, has been allowed at Mountain View for a number of years because the facility is an ideal location for weddings and receptions, and likewise, such events would be in high demand at the Discovery Center; these events would be allowed only after operational hours at the Discovery Center; and the proposed revision would not permit alcohol consumption at events held by individuals or for-profit organizations in Mill Mountain Park.

It was explained that the ordinance, as revised in April 2001, requires a \$500.00 damage/clean-up deposit for all events; however, it is recommended that the ordinance be revised to reduce the refundable damage/clean-up deposit to \$200.00 for events where alcohol will be served and \$100.00 for events without alcohol, because after discussing the deposit amount with users of the facilities, it is believed that many renters would not be able to afford a \$500.00 damage deposit.

The City Manager recommended that Council adopt an ordinance amending and reordaining City Code §24-97, Possession or consumption of alcoholic beverages, Article IV, Parks, Chapter 24, Public Buildings and Property; to allow for consumption and possession of alcoholic beverages at events held by non-profit entities, for-profit entities and individual entities, pursuant to issuance of a City Alcohol Permit, at Mountain View and the Discovery Center; and that the Fee Compendium be amended to reflect a new refundable damage/clean-up deposit of \$200.00 for events serving alcohol and \$100.00 for events not serving alcohol.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency ordinance:

(#35385-060401) AN ORDINANCE amending and reordaining subsection (b) of §24-97, Possession or consumption of alcoholic beverages, of Article IV, Parks, of

**Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, to allow for consumption and possession of alcoholic beverages at private events, pursuant to issuance of a City alcohol permit, at Mountain View and the Discovery Center; amending the Fee Compendium to reflect a new refundable damage/clean-up deposit; and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35385-060401. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, White, and Mayor Smith--5.**

**NAYS: Council Member Hudson-----1.**

**(Council Member Harris was absent.)**

**REFUSE COLLECTION-RECYCLING: The City Manager submitted a statement of concurrence in connection with a bid committee report regarding recycling services.**

**The Bid Committee advised that the goal of the Solid Waste Management Division is to begin commingled collection of recyclables from all residents on July 1, 2001; the new program will allow residents to recycle a broader range of products on a weekly basis, alternating between mixed paper products one week and a mixture of metal, plastic and glass containers the following week; and disposal services for paper commodities, as well as bottle and can commodities are needed.**

**It was further advised that two separate bids were advertised; three responses were received for paper commodities and two responses were received for bottle and can commodities; considered together, the best bids were submitted by Cycle Systems, Inc., and are dependant upon accepting both bids, with better pricing offered for meeting a certain threshold; i.e.: if both commodities total less than 300 tons per month, Cycle Systems would charge \$5.00 per ton for paper commodities and bottles and cans would be disposed at \$0.02 per pound (\$40.00 per ton); if the total for both commodities is greater than 300 tons per month, there would be no charge by Cycle Systems for disposal of either commodity (recycling totals averaged 128 tons per month from December 2000 through March 2001); and it is anticipated that with proper promotion, education and the expansion of the commingled program**

to all residences, Roanoke can achieve the 300-ton per month goal.

The Bid Committee recommended acceptance of the bids submitted by Cycle Systems, Inc., and that the City Manager be authorized to execute a contract with Cycle Systems, Inc., to be approved as to form by the City Attorney (for acceptance of both the paper commodities bid and the bottle and can commodities bid); and reject all other bids received by the City.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following resolution:

(#35386-060401) A RESOLUTION authorizing the acceptance of two bids, and execution of a contract with Cycle Systems, Inc., for the provision of recycling services for paper commodities, and for bottle and can commodities, upon certain terms and conditions, and rejecting all other bids received.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35386-060401. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of April, 2001.

(For full text, see Financial Report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

**BUDGET:** The Director of Finance submitted a written report advising that the City of Roanoke's Internal Service Funds account for certain services provided to City departments; Internal Service Funds recover their costs by charging the receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage with usage varying from the original estimates; each fiscal year, at this time, it is necessary to make appropriations transfers between departments to provide sufficient funds for internal services for the remainder of the fiscal year; and transfers do not increase the overall General Fund budget, but reallocate amounts between departments.

The following is a summary of total transfers:

	Budget Amount Before Transfers	Transfers In/Out	Revised Budget Amount
Department of Technology	\$3,122,551.00	\$0.00	\$3,122,551.00
Department of Technology - PC Rental	593,000.00	0.00	593,000.00
Management Services	95,975.00	0.00	95,975.00
Risk Management Overhead	598,080.00	0.00	598,080.00
Fleet Management	1,726,500.00	(44,348.00)	1,682,152.00
Fleet Rental	<u>1,050,000.00</u>	<u>44,348.00</u>	<u>1,094,348.00</u>
Total	<u>\$7,186,106.00</u>	<u>\$0.00</u>	<u>\$7,186,106.00</u>

The Director of Finance recommended that Council adopt a budget ordinance which will accomplish the required transfers.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35387-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35387-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Harris was absent.)

**BUDGET-CITY EMPLOYEES:** The Director of Finance submitted a written report advising that the fiscal year 2000-2001 General Fund budget included funds in the nondepartmental category for unemployment wages and termination (vacation) leave wages; these fringe benefits are budgeted at estimated amounts in the nondepartmental category because annual charges of each department are difficult to project; and actual costs are charged to departments in anticipation of budget transfers to cover the costs.

It was further advised that a proposed budget ordinance transfers funds from the nondepartmental category to applicable City departmental budgets; as needed, available funding related to one type of fringe benefit is used to supplement funding needed in another area, such as retiree medical insurance, extended illness leave payments and termination leave wages; and transfers do not increase the General Fund budget in total, but only reallocate amounts between departments.

The following is a summary of the total transfers:

	<u>Budget Amount Before Transfers</u>	<u>Transfers In/Out</u>	<u>Revised Budget Amount</u>
FICA	\$4,554,422.00	(\$232,089.00)	\$4,322,333.00
Unemployment Wages	35,000.00	772.00	35,772.00
Extended Illness	0.00	19,215.00	19,215.00
Termination Leave Wages	<u>91,275.00</u>	<u>212,102.00</u>	<u>303,377.00</u>
Total	<u>\$4,680,697.00</u>	<u>\$0.00</u>	<u>\$4,680,697.00</u>

The Director of Finance recommended that Council adopt a budget ordinance providing for the required transfers.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

**(#35388-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Carder moved the adoption of Ordinance No. 35388-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**CITY CODE-TAXES-UTILITIES: The Director of Finance submitted a written report advising that in October 2000, the Consumer Utility Tax Ordinance was amended to comply with legislation which deregulated the electric and natural gas industries in the state; and review of legislation indicates that the due dates of the monthly tax remittances need to be changed to correspond to the legislation.**

**It was further advised that currently, the City Code provides that the Consumer Utility Tax is due on the 20<sup>th</sup> day of the month following the month in which the tax was collected; Section 58.1-3814, Code of Virginia (1950), as amended, specifies that the utility shall remit “such tax to the appropriate locality in accordance with Section 58.1-2901.”; Section 58.1-2901, which pertains to the new Consumption Tax (not the consumer utility tax), details that the tax “shall be remitted monthly on or before the last day of the succeeding month of collection,” which means that under the new legislation, both the existing Consumer Utility Tax and the local portion of the new Consumption Tax are due to the locality on or before the last day of the month following the month in which the tax was collected.**

**It was explained that this change will bring the City Code into compliance with the Code of Virginia and will ensure consistent payment dates for electric and natural gas utilities for both the Consumer Utility Tax and the Consumption Tax; and although the City will be receiving tax payments ten to eleven days later than previously received, the fiscal impact will be nominal.**

The Director of Finance recommended that Council adopt an ordinance amending the electric and natural gas consumer utility tax, to provide for a payment date as specified in Section 58.1-2901, Code of Virginia (1950), as amended.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35389-060401) AN ORDINANCE amending subsection (4) of §32-169, Electric consumer utility tax, and subsection (4) of §32-170, Natural gas utility tax, of Article VII, Tax on Purchase of Utility Services, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by changing the utility tax due date for electric and gas utilities from the twentieth of the month to the date on or before the last day of the succeeding month of collection, in compliance with the Code of Virginia; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35389-060401. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**BUDGET-HOTEL ROANOKE CONFERENCE CENTER:** The Director of Finance submitted a written report advising that the Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke adjacent to the Hotel Roanoke; the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund entitled, "Hotel Roanoke Conference Center Commission"; enabling legislation for the Commission allows for the participating parties to equally contribute funds to the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for their proper purposes; the budget must be approved by each of the participating entities, and Council included \$175,000.00 in the fiscal year 2001-02 General Fund adopted budget to be used for such purposes.



The Director of Finance recommended that Council approve the Hotel Roanoke Conference Center Commission budget for fiscal year 2001-02, appropriate \$350,000.00 to Conference Center Agency Fund accounts and establish revenue estimates of \$175,000.00, each, for City of Roanoke and Virginia Tech contributions.

(For full text, see report on file in the City Clerk's Office.)

Mr. White offered the following emergency ordinance:

(#35390-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Hotel Roanoke Conference Center Commission Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35390-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. White offered the following resolution:

(#35391-060401) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2001-2002.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35391-060401. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

**(Council Member Harris was absent.)**

**BUDGET-HOUSING/AUTHORITY-GRANTS:** The Director of Finance submitted a written report advising that by agreement with the City of Roanoke, the Roanoke Redevelopment and Housing Authority administers a large segment of the City's Community Development Block Grant program; the Housing Authority receives program income during the course of its administration of various projects through the sale of land and the receipt of loan repayments from project area residents; the Housing Authority is required to transfer program income to the City of Roanoke; and the City is required to use the income for eligible community development activities.

It was further advised that the Housing Authority has made payments to the City, in the amount of \$189,007.00 from December 1, 2000, to May 15, 2001, in excess of revenue estimates previously adopted; of this amount, \$104,385.00 resulted from the sale of property, \$25,900.00 in parking lot rental, and \$58,722.00 from various loan repayment programs; and the City has received the following miscellaneous program income, which amounts represent the difference between what was actually received and the amount that was previously adopted based on repayment estimates.

**\$60,050.00 from the Williamson Road Parking Garage  
which was constructed in part using CDBG funds.**

**\$6,929.00 in various loan repayments.**

The Director of Finance recommended that Council appropriate the total \$255,986.00 in unanticipated CDBG program income as follows:

<b>Unprogrammed CDBG - Other - FY01 (035-G01-0140-5189)</b>	<b>\$ 66,979.00</b>
<b>Unprogrammed CDBG - RRHA - FY01 (035-G01-0140-5197)</b>	<b>189,007.00</b>

It was explained that the amounts being appropriated to unprogrammed accounts will be available for future appropriation for eligible community development purposes; the Housing Authority also administers a segment of the City's HOME program; assistance provided by the Housing Authority is predominantly in the form of low- or no-interest active and deferred loans to eligible homeowners and homebuyers; loan repayments constitute program income to the City's HOME program; and as of May 15, 2001, loan repayments received in excess of the budget estimate equal \$11,516.00.

The Director of Finance recommended that Council appropriate \$11,516.00 to

Unprogrammed HOME - FY01 Account No. (035-090-5323-5320), which will be available for future appropriation for eligible HOME activities.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35392-060401) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35392-060401. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ARMORY/STADIUM-CIVIC CENTER: Council Member Hudson advised that as a part of Council's fiscal year 2001-02 budget study session on May 7, 2001, Council agreed to delay action with regard to the future of Victory Stadium to provide the City Manager with more time to review other potential sites for a stadium facility, which action was taken at the request of Council Member Wyatt. He stated that due to

illness, he was unable to attend the City Council meeting which was held on Monday, May 21, 2001, at which time Council voted to authorize the City Manager to negotiate for the acquisition of land across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility (stadium and amphitheater), at a project cost not to exceed \$18 million. He advised that since he is rarely absent from City Council meetings, out of professional courtesy, the vote by Council should have been deferred until all Members of the Council were in attendance.

**ACTS OF ACKNOWLEDGMENT-NEIGHBORHOOD ORGANIZATIONS-ROANOKE NEIGHBORHOOD PARTNERSHIP:** Council Member Bestpitch advised that he attended the Annual Conference of Neighborhoods USA in Pittsburgh, Pennsylvania, on May 23 - 26, 2001, and commended the young people who represented the City of Roanoke at the Conference.

**ACTS OF ACKNOWLEDGMENT-SCHOOLS:** Council Member Wyatt commended City staff for their assistance in connection with a tour of certain City facilities by second grade students from Westside Elementary School on May 23, 2001.

**OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:** None.

At 3:05 p.m., the Mayor declared the meeting in recess for continuation of the closed sessions that were approved by Council at its 12:15 p.m. session.

At 3:35 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris.

**COUNCIL:** With respect to the four Closed Meetings just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.

**NAYS: None-----0.**

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-TRAFFIC-COMMITTEES:** The Mayor advised that the term of office of David A. Morgan and Billie Abshire as members of the City of Roanoke Transportation Safety Commission expired on October 31, 2000; and the term of office of Robert K. Bengtson as a member of the Transportation Safety Commission will expire on October 31, 2002, and called for nominations to fill the vacancies.

**Mr. Bestpitch placed in nomination the names of David A. Morgan, Billie Abshire, and Kenneth King.**

**There being no further nominations, David A. Morgan and Billie Abshire were reappointed for terms ending October 31, 2004, and Kenneth King was appointed to fill the unexpired term of Robert K. Bengtson, ending October 31, 2002, as members of the City of Roanoke Transportation Safety Commission, by the following vote:**

**FOR MESSRS KING, AND MORGAN, AND MS. ABSHIRE: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**(Council Member Harris was absent.)**

**OATHS OF OFFICE-COMMITTEES-YOUTH:** The Mayor advised that there is a vacancy on the Youth Services Citizen Board and called for nominations to fill the vacancy.

**Ms. Wyatt placed in nomination the name of Wendi Wagner.**

**There being no further nominations, Ms. Wagner was appointed as a member of the Youth Services Citizen Board for a term ending May 31, 2004, by the following vote:**

**FOR MS. WAGNER: Council Members Wyatt, Bestpitch, Carder, Hudson, White, and Mayor Smith-----6.**

**(Council Member Harris was absent.)**

**There being no further business, the Mayor declared the meeting adjourned**

**at 3:40 p.m.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker  
City Clerk**

\_\_\_\_\_

**Ralph K. Smith  
Mayor**

## **MINUTES OF ROANOKE CITY COUNCIL AUDIT COMMITTEE**

**June 4, 2001**

### **1. CALL TO ORDER:**

The meeting of the Roanoke City Audit Committee was called to order at 11:00 a.m. on Monday, June 4, 2001, with Chairman, William White, Sr., presiding.

The roll was called by Mrs. Powers

#### **Audit Committee**

**Members Present:** William White, Sr., Chairman  
William H. Carder  
W. Alvin Hudson  
Linda F. Wyatt

**Others Present:** William D. Bestpitch, Council Member  
Robert H. Bird, Municipal Auditor  
Darlene L. Burcham, City Manager  
Chip Snead, Assistant City Manager for Operations  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Dana Long, Chief of Billings & Collections  
Gerri Rorer, Sr. Tax Compliance Administrator  
Troy A. Harmon, Assistant Municipal Auditor  
Mike Tuck, Senior Auditor  
Pamela C. Mosdell, Auditor  
Brian M. Garber, Auditor  
Evelyn W. Powers, Administrative Assistant

### **2. FINANCIAL RELATED AUDITS:**

- A. Records Management
- B. Economic Development
- C. Human Resources
- D. Miscellaneous Taxes

Mr. White ordered that the financial audits be received and filed. There were no objections to the order. Mr. White recognized the Municipal Auditor's staff for comments. Mrs. Mosdell briefed the Committee on the Records Management audit.



Mr. White questioned why the Records Management audit did not state an opinion and conclusion. Mr. Harmon explained that the Records Management audit was basically a follow-up to a previous audit and was more substantive testing. Mr. Harmon reported that there are areas of concern and that these concerns have been discussed with management. Mr. Hudson questioned what departments had actual concerns and wanted more detailed information. Mrs. Mosdell reported on the departments with the concerns and reported that management in these areas have been addressed. Mr. Harmon reported that some departments were still holding records due to the EPA mandate. Ms. Burcham reported that she has met with the auditors and as a result of the concerns noted, has postponed moving records management to General Services for six months to better prepare for the transition. She assured the Committee that she is taking the auditors recommendations seriously and will make sure that all personnel are properly trained to handle records management. Mrs. Wyatt responded that the destruction of records is very important, and that in the past this cost the City \$5 million dollars due to the situation at Public Works. She also stressed the importance of the people who are responsible for the City's records have the experience and the training necessary to perform records management duties. Mrs. Burcham said that personnel responsible for City records will go to training and that Diane Smallwood will continue to oversee this function for the next six months to ensure that things are going right.

Mrs. Mosdell briefed the Committee on the Economic Development audit. Mr. White responded that he was glad to see that the audit department was auditing the enterprise zones. He said that this audit brought out a lot of good recommendations. He responded particularly to the area of incentives used to attract businesses to the City. Mr. White agreed that there needs to be adequate written documentation that can be passed on to new personnel to follow. Ms. Burcham indicated that the department had significant vacancies until January, 2001, with one vacancy remaining. The department's Business Plan addresses the areas of concern that were noted during the audit. There has been no paper trail in the past; however, the next review will show all recommendations in place. Ms. Burcham reported that she has asked the economic development staff to look at other localities for a better incentive package. Council should expect to see recommendations for changes regarding the incentive package during the next several months. Mrs. Wyatt asked if Planning and Zoning personnel were aware of the Enterprise Zones and the incentive package for businesses. Ms. Burcham responded perhaps not since many of the staff are new, and that she would make sure that those personnel knew about the Enterprise Zone. Mr. Grisso reported to the Committee that the City's Enterprise Zone has been recognized in Virginia as an active and good model for other localities to look at.

Mr. Harmon briefed the Committee on the Human Resources audit. Mr. Carder stated that he could certainly understand the importance of the City's drug and alcohol testing and the risk of charges of bias and unfair testing. Mr. Carder had a general observation that better utilization of technology is needed to address many of the

problems being identified in audits. He stated that the City needs to establish

a vision for a fully integrated, open information system that provides access to everyone who needs the information to do their job. Mr. Harmon agreed that better utilization of technology is an issue, and that the Department of Technology is beginning to address this. Ms. Burcham stated that the City is going to have to play catch up. Many of the City's current systems are 25+ years old and that only one to two people are still here who know anything about the systems. The cost is not cheap. The City needs funding and people. We have a long way to go. Mr. Carder stated that there are quantifiable reasons for interfacing our computer systems. He also stated that for City departments to move forward with their business plans, there are going to have to be information systems to capture performance data. Mr. Carder suggested that the City consider bringing in technical experts to map out a five year plan on how the City can move forward with technology. Mr. Carder said that he believes the return on the City's investment would be beneficial and most effective for better planning for the future of technology issues. Mrs. Wyatt agreed with Mr. Carder's comments. Ms. Burcham reported to the Committee that the staff is currently identifying technology needs. Mr. Grisso stated that everyone's points were well taken and supported Ms. Burcham's ideas on looking at updating the City's computer applications. Mr. Grisso reported that the City's Payroll system was designed in 1980, and currently is not interfaced with the Personnel system. Mr. Grisso felt that the management issues were taken care of a year ago. The Department of Technology is under new management and the City is now catching up. Mr. Bird reported that the Information Technology Committee is pulling out of a hole. The Committee is concentrating on technology infrastructure. The City is going to feel the pain in technology applications while we upgrade and simplify the infrastructure, but the City is headed in the right direction. Mrs. Wyatt said that the City needs to look at infrastructure for technology rather than buying computers. Technology changes too quickly for the City to keep up. She said that the City needs to be looking at leasing computers to save money and to continue to stay reasonably current with technology. Mr. Grisso reported that the City began this year leasing computers. He reported that 75 new computers are being replaced a quarter. The oldest computers are the first ones to be replaced.

Mr. Tuck briefed the Committee on the Miscellaneous Taxes audit. Mr. Grisso introduced Dana Long and Gerri Rorer. He stated that most of the time is spent with prepared food tax. Mr. White asked if additional staff was hired, how much more additional tax could the City expect to collect. Mrs. Rorer reported that she thought \$15,000 in additional taxes could be collected. She stated that an additional person could get bank statements and more records from businesses and examine them more closely for the appropriate tax collection. Mrs. Rorer examined two cell phone companies during the year and found that all the tax money was not being reported to the City. There are many cell phone companies that are out of town and the information is hard to get. The Office of Billings and Collections gets a great deal of the tax money that is owed; however, additional staff could add to the tax collected. Mr. Grisso suggested looking at hiring outside vendors to perform audits on electrical, gas, and cellular phone companies to ensure that all tax money is paid to the City, perhaps in concert with other jurisdictions or the Virginia Municipal League (VML).

**3. UNFINISHED BUSINESS:**

A. Update on Comprehensive Services Act (CSA)

Mr. White reported that the Comprehensive Services Act audit was presented to the Audit Committee on December 7, 2000. The Committee asked to be updated on the development of a computerized system. Ms. Burcham briefed the Committee on this issue. Ms. Burcham reported that a recommendation has been made to purchase the Harmony System. The cost of the system will be approximately \$100,000. The cost includes hardware, software, and training. Ms. Burcham is looking for sufficient money to allow the City to purchase this system in this year's budget. Development of a system from scratch was not successful several years ago.

**D. NEW BUSINESS:**

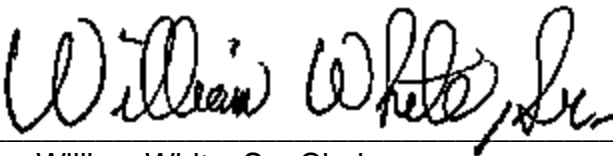
- A. KPMG Audit Plan - June 30, 2001
- B. Briefing on Municipal Auditing 2002 Audit Plan

Mr. White ordered that the KPMG Audit Plan for June 30, 2001, be received and filed. There were no objections to the order.

Mr. Harmon briefed the Committee on the Municipal Auditing 2002 Audit Plan. A formal report will be presented to the Council on or before June 30, 2001. Mr. Grisso mentioned the Civic Center and Parks & Recreation Part-Time Payroll as two areas that may benefit from audit attention in the future.

**5. ADJOURNMENT:**

There being no further business, the meeting adjourned at 11:58 a.m.

A handwritten signature in black ink, reading "William White, Sr.", written over a horizontal line.

William White, Sr., Chairman



June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Agreement between City of  
Roanoke and YMCA

Background:

The YMCA of Roanoke Valley, a non-profit organization, plans to build a new 40,000 square feet Central Branch YMCA to be located at 5<sup>th</sup> Street and Luck Avenue. This facility is needed to accommodate its expanding number of programs and to replace its current outdated facility. Construction of the new \$6.5 million facility is scheduled to begin no later than June 1, 2002. The YMCA has made a formal offer to the City to enter into a collaborative agreement for partnering on the development and use of the new facility.

Considerations:

The Agreement, similar in form to Attachment A, specifies that the City will provide a two million dollar (\$2,000,000) grant toward the construction of the indoor aquatic facility. Annual equal payments will be made to the YMCA over a period of ten (10) years with the first payment of \$200,000 due by September 1, 2001. Funding for operational support will not be requested. To facilitate construction, a real estate swap will occur between the City and the YMCA as indicated in Attachment B. The City will transfer title of Roanoke City Official Tax Nos. 1113419 and 1113418 (506 Church Avenue and adjoining lot) to the YMCA. Upon completion of the construction of the new facility, the YMCA will transfer title of its current parking lot and facility, excluding the annex gymnasium, which adjoins the current Central Branch of the YMCA (425 Church Avenue), Roanoke City Official Tax Nos. 1011206, 1011209 and 1011210. The property received by the City may be valuable in addressing parking needs in this area.



The Honorable Mayor and Members of Council

June 18, 2001

Page 2

Benefits for City residents as outlined in the Agreement include a discount on the initial joining fee at all facilities owned or operated by the YMCA in the City of Roanoke, County of Roanoke, City of Salem, Town of Vinton and County of Botetourt. In addition, Parks and Recreation will participate with the YMCA in a Program Committee to develop programs.

Recommended Action:

Authorize a public hearing for July 2, 2001 for the real estate swap.

Following the public hearing, City Council authorize the City Manager to execute an Agreement in substantially the same form as herein attached, and as approved as to form by the City Attorney, payment of \$200,000.00 due September 1, 2001 is to be appropriated with the approval of the Five Year Capital Improvement Program and subsequent years payments shall be included in annual operating budgets subject to appropriation by City Council as specified in the agreement.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:kaj

cc: Rolanda A. Johnson, Assistant City Manager for Community Development  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Wanda B. Reed, Acting Director of Parks and Recreation



CM01-00124

The Honorable Vice-Mayor and  
Members of Roanoke City Council  
Roanoke, Virginia

Dear Vice-Mayor Carder and Members of Council:

Please find enclosed correspondence dated June 6, 2001, from the Honorable Richard C. Pattisall, Chief Judge, Twenty-Third Judicial Circuit of Virginia. Attached to Judge Pattisall's letter is a May 30, 2001, report from the Board of Equalization.

Please note Judge Pattisall's requests and recommendations from the Board of Equalization. As there appears to be no problems once again with the performance of this Board, I would ask that this report be included on the Consent Agenda for the next meeting of Council, and thereafter received and filed.

On behalf of the Members of Council, I want to thank the Circuit Court and the Board of Equalization for their assistance in this process once again this year. Bill Light, Rutledge Robertson and Randolph Harrison, always provide exemplary service to the citizens of our great All-America City, for which we are very grateful.

Sincerely,

Ralph K. Smith  
Mayor

RKS:jsj

Enclosure

pc: The Honorable Richard C. Pattisall, Chief Judge, Twenty-Third Judicial  
Circuit of Virginia, Roanoke County Courthouse, 305 East Main Street, Salem,  
Virginia 24153

W. G. "Bill" Light, Chair, Board of Equalization, 2066 Kenwood  
Boulevard, S. E., Roanoke, Virginia 24013

Rutledge W. Robertson, II, Vice-Chair, Board of Equalization,  
5014 Bruceton Road, S. W., Roanoke, Virginia 24018

Randolph E. Harrison, Jr., Secretary, Board of Equalization, 2311  
Westover Avenue, S. W., Roanoke, Virginia 24015

**June 18, 2001**

**Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member**

**Dear Mayor Smith and Members of City Council:**

**Subject: Acceptance of Compensation Board Technology  
Trust Funds**

**Background:**

**The Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments. These instruments include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. These records must be maintained and be available to the public.**

**The Optical Character Recognition System, also known as the Records Management Indexing/Scanning System, currently being used to record the above-mentioned records can no longer facilitate the volume of records being scanned. There is a need for additional, compatible equipment that will allow several operators to perform like tasks simultaneously. This equipment is available through the Supreme Court of Virginia at a cost of \$20,191.00. Funding in the amount of \$20,191.00 is available from the Compensation Board of Virginia-Technology Trust Fund.**

**Considerations:**

**The Clerk of Circuit Court has been granted \$20,191.00 from the Compensation Board of Virginia-Technology Trust Fund for upgrades to the current recordation equipment. This Grant does not require a local match.**

**Recommended Action:**

**Authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board-Technology Trust Fund.**

**Authorize the Director of Finance to establish a revenue estimate in the amount of \$20,191.00 in the Grant Fund and appropriate funding to the expenditure account listed below:**

**9005 Furniture and Equipment (>\$5,000.00)  
\$20,191.00**

**Sincerely,**

**Arthur B. Crush, III,**

**Roanoke City Circuit**

**Clerk**

**Court**

**ABCIII:jec**

**c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk**





June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of  
Compensation Board Technology Trust  
Funds

The Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments. These instruments include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. These records must be maintained and be available to the public.

The Optical Character Recognition System, also known as the Records Management Indexing/Scanning System, currently being used to record the above-mentioned records can no longer facilitate the volume of records being scanned. There is a need for additional, compatible equipment that will allow several operators to perform like tasks simultaneously. This equipment is available through the Supreme Court of Virginia at a cost of \$20,191.00. Funding in the amount of \$20,191.00 is available from the Compensation Board of Virginia-Technology Trust Fund.

Considerations:

The Clerk of Circuit Court has been granted \$20,191.00 from the

Compensation Board of Virginia-Technology Trust Fund for upgrades to the current recordation equipment. This Grant does not require a local match.

Honorable Mayor and Members of Council  
June 18, 2001  
Page 2

Recommended Action:

Authorize the City Manager to execute the requisite documents to accept the grant and obtain the funding from the Compensation Board-Technology Trust Fund, including any required grant agreements or assurances.

Authorize the Director of Finance to establish a revenue estimate in the amount of \$20,191.00 in the Grant Fund and appropriate funding to the expenditure account listed below:

9005 Furniture and Equipment (>\$5,000.00)	\$20,191.00
--	-------------

Sincerely,

Arthur B. Crush, III, Clerk  
Roanoke City Circuit Court

ABCIII:jec

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk

#CO01-00001

June 18, 2001

The Honorable Ralph K. Smith, Mayor  
The Honorable William H. Carder, Vice Mayor  
The Honorable William Bestpitch  
The Honorable C. Nelson Harris  
The Honorable W. Alvin Hudson  
The Honorable William White, Sr.  
The Honorable Linda F. Wyatt

Dear Mayor Smith and Members of Council:

Subject:      Acceptance of  
                 Compensation Board  
                 Technology Trust  
                 Funds

I concur with the recommendation from Arthur B. Crush, III, Clerk of Circuit Court for the City of Roanoke, with respect to the subject referenced above and recommend that City Council accept the funding from the Compensation Board Technology Trust Fund.

Sincerely,

Darlene L. Burcham  
City Manager

c:      James D. Grisso, Director of Finance  
         William M. Hackworth, City Attorney  
         Mary F. Parker, City Clerk

#CO01-00001

June 13, 2001

The Honorable Ralph K. Smith, Mayor  
and Members of Roanoke City Council  
Roanoke, VA 24011

Dear Members of Council:

The School Board at its June 12 meeting voted to request the Roanoke City Council to appropriate the following funds for FY2001-02:

\$54,630.00 as a supplemental appropriation to the FY2001-02 School General Fund Budget request approved by the School Board March 6, 2001. The funds will be transferred from the City of Roanoke to the School General Fund. The additional City funds will be used for employee salary increases.

\$50,000.00 for the Comprehensive School reform Demonstration grant to provide for the replication of successful intervention programs from other school divisions at the school. Taylor Learning Academy will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

\$7,500.00 for the Thurman Foundation for Children grant to support the activities for the Partners for Success program, which is designed to encourage college preparation of eighth grade students who show academic promise but would be unlikely to consider advanced studies without intervention. This is a continuing grant.

\$66,485.00 as an additional appropriation to provide funds for data cabling and networking at Fairview Elementary School. Funding for this project is provided from a Literary Fund loan approved for the project.

Members of Council  
Page 2  
June 13, 2001

\$54,260.00 as an additional appropriation to provide funds for data cabling and networking at Fishburn Park Elementary School. Funding for this project is provided from a Literary Fund loan approved for the project.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Ms. Melinda J. Payne  
Dr. E. Wayne Harris  
Mr. Richard L. Kelley  
Mr. Kenneth F. Mundy  
accounting  
Mr. William L. Murray

Mrs. Darlene L. Burcham  
Mr. William M. Hackworth  
Mr. James D. Grisso  
Mrs. Ann H. Shawver (with  
details)

June 18, 2001

The Honorable Ralph K. Smith, Mayor  
The Honorable William Carder, Vice-Mayor  
The Honorable William Bestpitch, Council Member  
The Honorable Nelson Harris, Council Member  
The Honorable Alvin Hudson, Council Member  
The Honorable William White, Council Member  
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:      Crystal Spring  
                 Pumping Station  
                 Museum Agreement

Background:

In 1976, the City of Roanoke approved a proposal from the Roanoke Valley Historical Society, the Roanoke Valley Bicentennial Commission, and citizen volunteers to renovate and refurbish the old Crystal Spring pumping station and its steam-powered pump as a historic preservation project and museum exhibit (Ordinance No. 22840).

The steam pump, manufactured by the Snow Pump Company of Buffalo, NY, is one of only two known to still exist today. It served as the main water pumping plant for Crystal Spring from 1905 to 1959. The renovations to restore the building and pump were completed and for a period of several years, the pump station was open to the public as a museum exhibit.

The History Museum and Historical Society of Western Virginia (Society) desires to reopen the museum as an exhibit for the public. The Society has offered to staff the building and, through an endowment by Mr. David H. Burrows, provide educational materials and displays. Hours of operation are expected to be weekends, 2:00 to 5:00 PM and by special request.

Considerations:

The pump station is a landmark detailing the City's past and present reliance on the waters of Crystal Spring. The pump station was almost demolished in



1973 but was saved by the volunteer efforts described above. Although of limited scope, the museum will add to the City's collection of historic exhibits.

The City currently maintains the pump station. Costs associated with maintenance of the building are not expected to change significantly with the reopening.

Recommendation:

Authorize the City Manager to execute an Operating Services Agreement, substantially similar to the one attached to this letter, between the City of Roanoke and the History Museum and Historical Society of Western Virginia for a period of 5 years with annual renewal options, and to take such further action as reasonably necessary to implement and administer such Agreement.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/MTM/je

Attachment

c: George C. Snead, Jr., Assistant City Manager for Operations  
James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Wanda Reed, Acting Parks Director  
Michael McEvoy, Director of Utilities  
Jesse H. Perdue, Jr., Water Division Manager

CM01-00112

## **AGREEMENT**

**THIS AGREEMENT** for the Operation of the Old Crystal Spring Steam Pumping Station Museum (Agreement) is dated \_\_\_\_\_, 2001, between the **CITY OF ROANOKE, VIRGINIA**, a Virginia municipal corporation (City), and the **HISTORY MUSEUM AND HISTORICAL SOCIETY OF WESTERN VIRGINIA** (Society), a private not for profit Virginia organization located at Center in the Square, 1 Market Square, 3<sup>rd</sup> Floor, Roanoke, Virginia 24011.

### **WITNESSETH:**

**WHEREAS**, the Society has obtained a private donation for a limited term which it wishes to use to reopen, renovate, maintain, and operate the Old Crystal Spring Steam Pumping Station Museum property (Pump Museum) located within the City property designated as Crystal Spring Park fronting Jefferson Street in Roanoke, Virginia, as a museum exhibit for the education, enjoyment and general welfare of the residents of and visitors to the City of Roanoke (public); and

**WHEREAS**, the Society has offered to perform the above services in connection with the Pump Museum and the City wishes to accept the Society's offer to perform those services in accordance with the terms and conditions of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties mutually agree as follows:

### **SECTION 1. OPERATION OF PUMP MUSEUM.**

- A. The Society hereby agrees to provide for the reopening, renovation, maintenance, and operation of the Pump Museum, through the generosity of a private donor, by providing approximately \$10,000.00 or more annually for such services. The Society agrees to provide the City Manager with its plans for reopening, renovation and maintenance prior to undertaking such work or services. All such plans shall be in writing and shall be subject to the prior written approval of the City Manager.
- B. The Society agrees to submit to the City Manager written plans for how it intends to operate the Pump Museum during the term of this Agreement and agrees that the plans and provisions for operating the Pump Museum are subject to the prior written approval of the City Manager.
- C. The Society agrees that it will use the private donation of up to \$10,000.00 annually, together with any other donations designated for the Pump Museum, for purposes of supporting the operation

and maintenance of the Pump Museum. The Society intends to include audio/visual displays, printed materials, appropriate advertising by the Society, cleaning, general maintenance, and upkeep of the Pump Museum building interior and any refurbishment that the steam pump might need; provided that all such items and/or activities are subject to the prior written approval of the City Manager.

- D. The City agrees to maintain the physical plant, provide utilities, and provide general upkeep of the exterior and grounds around the Pump Museum building.
- E. The Society may participate in the upkeep of the exterior and grounds around the Pump Museum building as set forth above in Section 1(D) above by planting flowers and shrubs or other volunteer work, provided that any such improvements or upkeep by the Society shall be subject to the prior written approval of the City Manager.

## **SECTION 2. SUSPENSION OF OPERATION BY THE CITY.**

The City reserves the right to suspend the operation by the Society of the Pump Museum or to close the Pump Museum due to construction or maintenance activities or for any health or safety concerns in or around the Pump Museum Building, the Crystal Spring water plant, and the Crystal Spring Park facilities, or otherwise. Notice of suspension or closure will be provided to the Society's President in writing forty-eight (48) hours prior to any such suspension or closing, if reasonably practicable.

## **SECTION 3. HOURS OF OPERATION.**

- A. The Society agrees to operate the Pump Museum according to the hours that will be set by the Society subject to the prior written prior approval of the City Manager. However, at a minimum, the Society will operate the Pump Museum from 2:00 p.m. to 5:00 .p.m. on all Sundays and holidays from the Easter Sunday holiday through the Labor Day weekend each year of the term of this Agreement.
- B. The Society agrees to and will provide signage and information to the general public during the hours of operation, but such items will be subject to the prior written approval of the City Manager.
- C. The Society agrees to and will be responsible for staffing during the normal hours of operation of the Pump Museum.

- D. The Society agrees that admission to the Pump Museum shall be free to the general public during the normal hours of operation.
- E. The City reserves and shall have the right to utilize the Pump Museum for tours and events without notice to the Society during the non operating hours and with forty-eight (48) hours notice to the Society's President if such tours or event will take place during the normal operating hours established by the Society for operation of the Pump Museum.
- F. The City agrees to have its staff available to open and close the Pump Station building during normal City working hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., except for City holidays. The Society will be responsible for opening and closing the Pump Museum at all other hours and days.

#### **SECTION 4. MAINTENANCE AND REPAIR.**

The Society agrees to keep and maintain the Pump Museum in good repair, condition and working order, suitable for the purpose that it is to be used pursuant to this Agreement and to repair and repay to the City any damage that may be caused to the City's Pump Museum property by the Society or its agents, employees or volunteers. Furthermore, the Society agrees that should the Society install any fixtures to the City's Pump Museum property that cannot be removed without damage to the City's property, such fixtures shall be deemed and become the property of the City upon termination of this Agreement.

#### **SECTION 5. TERM OF AGREEMENT.**

- A. The term of this Agreement shall be for five (5) years, from June \_\_, 2001, to June \_\_, 2006, at which time it shall terminate, provided that the parties may extend this Agreement from year to year upon the mutual written agreement of both parties at least thirty (30) days prior to the expiration of the original term or any extension thereof.
- B. Notwithstanding anything set forth above, either party shall have the right, without penalty or incurring any liability or damages of any type to the other party for termination, to terminate this Agreement upon thirty (30) days prior written notice to the other party that the requesting party is terminating the Agreement.

#### **SECTION 6. INDEMNITY.**

The Society agrees to and shall indemnify and hold harmless the City and its officers, agents, volunteers, and employees against any and all liability, losses, damages, claims, causes of action, suits of any nature, costs, and expense, including reasonable attorneys' fees, resulting from or arising out of the Society's or its agents, employees, or volunteers activities or omissions on or near any of the City's Pump Museum property involved in this Agreement or arising out of or resulting from the Society's or its agents, employees or volunteers actions or omissions in providing any of the services or items under this Agreement, including, without limitation, fines and penalties, violations of Federal, State or local laws, or regulations promulgated thereunder, or any personal injury, wrongful death, or property damage claims of any type.

## **SECTION 7. INSURANCE PROVIDED BY THE SOCIETY.**

A. The Society shall, at its sole expense, obtain and maintain during the life of this Agreement, the insurance policies required by this Section. Any required insurance policies shall be effective prior to the beginning of any service or work pursuant to this Agreement. The following policies and coverages are required:

- (1) Commercial General Liability. Commercial General Liability insurance, written on an occurrence basis, shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of the Society's or its employees, agents, or volunteers actions or omissions under this Agreement. The minimum limits of liability for this coverage shall be \$1,000,000 combined single limit for any one occurrence.
- (2) Contractual Liability. Broad form Contractual Liability insurance shall include the indemnification obligation set forth in Section 6 of this Agreement.
- (3) Society's insurance. Society shall, at its sole cost and expense, obtain and maintain during the life of this Agreement a property insurance policy written on an "all risk" basis insuring all of Society's personal property, including, but not limited to, equipment, furniture, fixtures, furnishings, and improvements which are Society's responsibility, for not less than full replacement cost of such property. All proceeds of such insurance shall be used to repair or replace Society's property.
- (4) Workers' Compensation. Workers' Compensation insurance covering Society's statutory obligation under the laws of the Commonwealth of Virginia and Employer's Liability insurance shall be maintained for all its employees engaged in work on the Pump Museum property. Minimum limits of liability for Employer's Liability shall be \$100,000 bodily injury by accident each occurrence; \$500,000

bodily injury by disease (policy limit); and \$100,000 bodily injury by disease (each employee). With respect to Workers' Compensation coverage, the Society's insurance company shall waive rights of subrogation against the City, its officers, employees, agents, volunteers and representatives.

- B. The insurance coverages and amounts set forth in subsections A (1), (2), (3) and (4) of this Section may be met by an umbrella liability policy following the form of the underlying primary coverage.

Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by subsections A(1), (2), (3), and (4) and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by Society to the City.

- C. All insurance shall meet the following requirements:

- (1) Society shall furnish the City a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies.
- (2) The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the Risk Management Officer for the City of Roanoke."
- (3) In addition to the required certificate or certificates of insurance, such policies, except as to coverage under Section 7 (A )(4), shall name the City of Roanoke, its officers, employees, agents, volunteers and representatives as additional insureds through an Additional Insured Endorsement to the policy or policies. This action shall be documented in writing to the City.

- (4) Where waiver of subrogation is required with respect to any policy of insurance required under this Section, such waiver shall be specified on the certificate of insurance.
- (5) Insurance coverage shall be in a form and with an insurance company approved by the City, which approval shall not be unreasonably withheld. Any insurance company providing coverage under this Agreement shall be authorized to do business in the Commonwealth of Virginia.

#### **SECTION 8. COMPLIANCE WITH LAWS.**

Both parties agree to comply with all applicable federal, state, and local laws and regulations.

#### **SECTION 9. COOPERATION.**

Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.

#### **SECTION 10. SEVERABILITY.**

If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect. The parties intend that the provisions of this Agreement be enforced to the fullest extent permitted by applicable law.

#### **SECTION 11. AUTHORITY TO SIGN.**

The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement in their representative capacities as indicated.

#### **SECTION 12. COUNTERPART COPIES.**

This Agreement may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

#### **SECTION 13. SUCCESSORS.**



The terms, conditions, provisions and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and assigns.

#### **SECTION 14. NONDISCRIMINATION.**

Both parties agree not to discriminate on the basis of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment in its employment practices, contracting or provision of services in violation of any applicable laws.

#### **SECTION 15. ASSIGNMENT.**

The Society agrees not to assign or transfer any part of this Agreement without the prior written consent of the City, and any such assignment will not relieve the Society from any of its obligations under this Agreement.

#### **SECTION 16. FORUM SECTION AND CHOICE OF LAW.**

By virtue of entering into this Agreement, the Society agrees and submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia and further agrees that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other matters shall be decided only by such court according to the laws of the Commonwealth of Virginia.

#### **SECTION 17. NONWAIVER.**

Each party agrees that any party's waiver or failure to enforce or require performance of any term or condition of this Agreement or any party's waiver of any particular breach of this Agreement by any other party extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by any party and does not bar the nondefaulting party from requiring the defaulting party to comply with all the terms and conditions of this Agreement and does not bar the nondefaulting party from asserting any and all rights and/or remedies it has or might have against the defaulting party under this Agreement or by law.

#### **SECTION 18. CAPTIONS AND HEADINGS.**

The section captions and headings are for convenience and reference purposes and shall not affect in any way the meaning or interpretation of this Agreement.

**SECTION 19. APPROPRIATION CLAUSE.**

The obligations and/or efforts the City will undertake in connection with this Agreement are subject to the availability of funds and the appropriation by City Council of such funds as may be necessary for such obligations and/or efforts.

**SECTION 20. ENTIRE AGREEMENT.**

This Agreement constitutes the entire agreement of the parties and supersedes all prior agreements between the parties. No amendment to this Agreement will be valid unless made in writing and signed by the appropriate parties.

**IN WITNESS WHEREOF**, the parties have executed this Agreement by their authorized representatives.

ATTEST:

CITY OF ROANOKE,  
VIRGINIA

\_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham,  
City Manager

WITNESS:

HISTORY MUSEUM  
AND HISTORICAL  
SOCIETY OF WESTERN VIRGINIA

\_\_\_\_\_  
Printed Name and Title

By \_\_\_\_\_  
\_\_\_\_\_  
Printed Name and Title

Appropriation and Funds Required for this  
year for this Contract Certified and the  
remaining funds are subject to appropriation  
by City Council:

\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Date

\_\_\_\_\_  
Acct.

**APPROVED AS TO FORM**

\_\_\_\_\_  
Assistant City Attorney

**APPROVED AS TO EXECUTION**

\_\_\_\_\_  
Assistant City Attorney

**IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,**

**A RESOLUTION authorizing the execution of an Agreement between the City of Roanoke, Virginia, and the History Museum and Historical Society of Western Virginia (Society) providing for the operation of the old Crystal Spring Steam Pumping Station Museum by the Society under certain terms and conditions; and authorizing the City Manager to take such further action as is necessary to implement and administer the terms of such Agreement.**

**WHEREAS, the Society has offered to reopen, renovate, maintain, and operate the Old Crystal Spring Steam Pumping Station Museum located within the City property designated as Crystal Spring Park fronting Jefferson Street in Roanoke, Virginia, as a museum exhibit for the education, enjoyment and general welfare of the residents of and visitors to the City of Roanoke, and the City wishes to accept such offer.**

**THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:**

**1. The City Manager and the City Clerk are authorized to execute and attest, respectively, an Agreement between the City of Roanoke, Virginia, and the History Museum and Historical Society of Western Virginia that will provide for the Society to operate the old Crystal Spring Steam Pumping Station Museum under certain terms and conditions as contained in the Agreement which is attached to the City Manager's letter to this Council dated June 18, 2001.**

2. The Agreement shall be in substantially the same form as that which is attached to the above mentioned City Manager's letter, and shall be approved as to form by the City Attorney.

3. The City Manager is authorized to take such further action as may be necessary to implement and administer the terms of the Agreement referred to above.

**ATTEST:**

**City Clerk.**

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fund Transfer from General Fund to  
Capital Fund

Funds were established in the FY 00-01 budget within the General Fund for transportation projects. Two projects, Airport Road Signals and Roadway Safety Improvements – Riverland Road/Bennington Street/Mount Pleasant Boulevard, are in the property acquisition and design phase.

Funds need to be appropriated into established Capital Fund Project accounts for construction of these projects.

Recommended Action:

City Council approve the budget ordinance to make the following appropriations:

1. \$40,000 to Capital Projects account Airport Road Signals, account number 008-052-9577-9003.
2. \$55,000 to Capital Projects account Road Safety Improvements – Riverland Road/Bennington Street/Mount Pleasant Boulevard, account number 008-052-9606-9003.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/JGB/bls

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance

#CM01-00104



June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:       Bulletproof Vest Partnership Grant

Background:

The Bulletproof Vest Partnership Grant Act of 2000, enacted by the 106<sup>th</sup> United States Congress, provides funds to eligible law enforcement agencies for the purchase of bulletproof vests. The grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. On May 16, 2001, Roanoke was awarded \$14,515, to purchase new bulletproof vests. That amount will allow procurement of forty-one bulletproof vests.

Considerations:

Bulletproof vests are primary officer-safety equipment. All Roanoke Police sworn personnel are issued bulletproof vests. These grant funds will be used to purchase bulletproof vests in need of replacement and for issue to new police hires.

Recommended Action:

Accept the Bulletproof Vest Partnership grant of \$14,515 and authorize the City Manager and Chief of Police to execute any grant agreements related to such grant.

Appropriate \$14,515 from the Bulletproof Vest Partnership grant to accounts to be

established by the Director of Finance.

Increase revenue estimates in accounts to be established by the Director of Finance.

Honorable Mayor and members of City Council  
June 18, 2001  
Page 2

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:dbc

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Rolanda A. Johnson, Assistant City Manager for Community Development  
A.L. Gaskins, Chief of Police

COUNCIL LETTER # CM01-00110

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a Bulletproof Vest Partnership Grant from the United States Department of Justice, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the U.S. Department of Justice, a Bulletproof Vest Partnership Grant in the amount of \$14,515, such grant being more particularly described in the letter of the City Manager, dated June 18, 2001, upon all the terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager is hereby authorized to execute, on behalf of the City, any documentation required in connection with the acceptance of such grant and to furnish such additional information as may be required by the Department of Justice; any such documentation to be approved as to form by the City Attorney.

ATTEST:

City Clerk

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of 2001-2002 Emergency Shelter Grant (ESG) Program

Background:

ESG funds are allocated under the Stewart B. McKinney Homeless Assistance Act and must be used to provide assistance to the homeless or those at risk of becoming homeless. City Council authorized filing an ESG application through the submission of the Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2001-2002 on May 7, 2001 by Resolution No. 35319-050701.

Considerations:

HUD's approval letter, granting the City access to its 2001-2002 ESG entitlement of \$76,000, is completing the routine release process and is forthcoming. Acceptance of the entitlement and appropriation of all funds to the accounts indicated in Attachment A is needed to permit projects to proceed.

Recommended Actions:

1. Adopt a resolution accepting the \$76,000 in 2001-2002 ESG funds, contingent upon receipt of the approval letter from HUD.
2. Authorize the City Manager to execute the required Grant Agreement, Funding

Approval, and other forms required by HUD in order to accept the funds;

3. Appropriate \$76,000 entitlement to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment A.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:VST

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Vickie S. Tregubov, Grants Specialist

CM01-00097



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Fiscal year 2001-2002 funds for the Emergency Shelter Grant Program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fiscal Year 2001-2002 funds for the Emergency Shelter Grant Program are hereby ACCEPTED, upon receipt of an approval letter from HUD.
2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD) for such funds, the Funding Approval, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set out in the report to this Council dated June 18, 2001.

ATTEST:

--

City Clerk.

ESG Funds – 2001/2002 Account Set-up Transactions		
Account No.	Item Description	Amount
035-630-5172-5172	Revenue – 2001/2002	\$
	Emergency Shelter Grant	76,000.00
<b>Expenditures:</b>		
035-630-5172-5251	TRUST Shelter	\$
		30,000.00
035-630-5172-5252	RAM House	\$
		27,000.00
035-630-5172-5253	TAP Transitional Living Center	\$
		15,000.00
035-630-5172-5254	Roanoke Valley Interfaith	\$
	Hospitality Network	4,000.00
	Grand Totals Revenue	\$
		76,000.00
	Expenditures	\$
		76,000.00

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Acceptance of 2001-2002 HOME  
Investment Partnerships (HOME)  
Program Entitlement Grant

Background:

HOME is a housing assistance program of the U.S. Department of Housing and Urban Development (HUD). The City has received a HOME entitlement grant each year since FY 1992 and must reapply annually to HUD to receive such funding. On May 7, 2001, City Council authorized filing the 2001-2002 HOME application as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

Considerations:

HUD's approval letter, granting the City access to its 2001-2002 HOME entitlement of \$753,000.00, is completing the routine release process and is forthcoming. Acceptance of these funds and appropriation to the accounts indicated in Attachment 1 is needed to permit projects to proceed. Along with these actions, \$41,397.00 unexpended from earlier HOME accounts needs to be transferred as indicated in Attachment 2 for these projects. Acceptance of the 2001-2002 entitlement requires a local match of \$87,875.00; however, no outlays of City funds will be needed to meet this requirement.

Recommended Actions:

1. Adopt a resolution accepting the \$753,000.00 in 2001-2002 HOME funds, contingent

upon receipt of the approval letter from HUD;

2. Authorize the City Manager to execute the required Grant Agreement, Funding Approval, and any other documents required by HUD in order to accept the funds;
3. Appropriate \$753,000.00 to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and
4. Transfer \$41,397.00 in HOME accounts from prior years to projects included in the 2001-2002 HOME program.

Respectfully submitted,

Darlene L. Burcham  
City Manager

Attachments: 2

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Frank E. Baratta, Budget Team Leader

CM01-00098

## Attachment 1

## HOME Funds -- 2001/2002 Account Set-Up Transactions

Account No.	Description	Amount
035-090-5309-5309	Revenue -- 2001/2002 HOME Entitlement	\$753,000.00
	Total Revenue	\$753,000.00
Expenditures:		
035-090-5309-5239	RRHA General Administration	\$50,000.00
035-090-5309-5283	RRHA Washington Park/HOPE VI	150,000.00
035-090-5309-5333	RRHA Consolidated Loan Program	302,358.00
035-090-5309-5354	BRHDC Connect Four	212,950.00
035-090-5309-5346	Contingency for Cost Overruns	37,692.00
	Total Expenditures	\$753,000.00


## Attachment 2

## HOME Funds -- Account Transfers

Account No.	Description	Amount
Transfers:		
035-090-5305-5341	NNEO Fairfax Ave (CHDO)	(\$4,236.0
035-090-5305-5333	RRHA Consolidated Loan Program	\$4,236.0
035-090-5306-5346	Contingency for Cost Overruns	(\$4,000.0
035-090-5306-5333	RRHA Consolidated Loan Program	(\$4,000.0
035-090-5307-5240	HOME Downpayment/Closing Assistance	(\$12,400.0
035-090-5307-5338	RRHA HOP Subsidy Program	(\$2,426.0
035-090-5307-5333	RRHA Consolidated Loan Program	\$14,826.0
035-090-5322-5320	Unprogrammed--HOME	(\$18,335.0
035-090-5322-5333	RRHA Consolidated Loan Program	\$18,335.0
	Total Transfers	\$41,397.0




IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Fiscal Year 2001-2002 funds for the HOME Investment Partnerships (HOME) Program, and authorizing the proper City officials to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fiscal Year 2001-2002 funds for the HOME Program are hereby ACCEPTED, upon receipt of an approval letter from HUD.
2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Grant Agreement with HUD for such funds, the Funding Approval, and any and all understandings, assurances and documents relating thereto, in such form as is approved by the City Attorney, as more particularly set forth in the City Manager's letter to this Council dated June 18, 2001.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of 2001-2002  
Community Development Block  
Grant (CDBG) Program

Background:

CDBG is a program of the U. S. Department of Housing and Urban Development (HUD) which offers assistance to our community in many ways. The City has received CDBG entitlement grants each year since the inception of the program in 1974 and must submit an action plan annually to HUD to receive such funding. On May 7, 2001, by Resolution No. 35319-050701, City Council authorized filing the 2001-2002 CDBG application through submission of the Annual Update of the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2001-2002.

Considerations:

HUD's routine release process is underway, and the HUD approval letter is forthcoming, granting the City access to its 2001-2002 CDBG entitlement of \$2,239,000. In addition, \$655,000 unexpended from prior year accounts and \$170,704 in anticipated program income are also included in this appropriation for FY 2001-2002 programs. Acceptance of the entitlement and appropriation of all funds to the accounts indicated in Attachment A is needed to permit projects to proceed.

Recommended Actions:

1. Adopt a resolution accepting the \$2,239,000 in 2001-2002 CDBG funds, contingent

upon receipt of the approval letter from HUD.

2. Authorize the City Manager to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds.

Honorable Mayor and Members of Council  
June 18, 2001  
Page 2

3. Appropriate \$2,239,000, entitlement, and \$170,704 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, as detailed in Attachment A; and
4. Transfer \$655,000 in CDBG accounts from prior years to projects included in the 2001-2002 CDBG program, as detailed in Attachment A.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:mtm

Attachment

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Meg T. Munton, Grants Specialist

CM01-00107

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment of Consolidated Plan Annual Update Regarding "Code Enforcement/Rental Support Programs

Background:

Each year, the City submits a Consolidated Plan Annual Update (Annual Update) to the U.S. Department of Housing and Urban Development (HUD) in order to receive Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) entitlements. The Annual Update describes the individual programs to be conducted with the funds awarded to the City. Substantial amendments to the Annual Update require a 30-day public comment period before the change can be implemented. The public comment period for the referenced amendment began with a newspaper advertisement on May 25, 2001 and the period ends June 25, 2001.

Considerations:

Additional funding is needed to increase the amount of rehabilitation of substandard housing that might otherwise be demolished. A decrease in funds appropriated in the Demolition project by \$75,000.00 will allow for the recreation of two new projects: Code Enforcement/Rental Support - Residential and Code Enforcement/ Rental Support - Rental. This amendment will establish \$37,500.00 in each of the two projects. The inclusion of the Code Enforcement/Rental Support allows for continuation of a program that assists with the elimination of slums and blighted conditions, as well as increases the number of safe, decent, affordable housing for low-income citizens.

Recommended Actions:

Authorize the City Manager to amend the 2000-2001 Consolidated Plan Annual Update, including the submission of necessary documents to HUD, to reflect the decrease in funding of the Demolition project and inclusion of the Code Enforcement/Rental Support - Residential and Code Enforcement/Rental Support - Rental Programs, following the public review and comment period provided no compelling adverse public comments are received.

Transfer a total of \$75,000 from 035-G01-0120-5108 (\$4,000) and 035-G00-0020-5108 (\$71,000) to accounts to be established for Code Enforcement/Rental Support – Residential in the amount of \$37,500 and Code Enforcement/Rental Support – Rental in the amount of \$37,500.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:mtm

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Meg T. Munton, Grants Specialist

CM01-00108

IN THE COUNCIL OF CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager to amend the Annual Update to the Consolidated Plan for FY 2000-2001, including the submission of necessary documents to the U. S. Department of Housing and Urban Development (HUD).

WHEREAS, each year, the City receives Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) entitlement funds from HUD to implement a variety of community development programs; and

WHEREAS, these programs are outlined each year as an Annual Update to the Five Year Consolidated Plan; and

WHEREAS, City Council approved the FY 2000-2001 Annual Update on May 9, 2000, by Resolution No. 34798-050900; and

WHEREAS, this amendment will decrease funding in the Demolition project and reflect the inclusion of two new projects: Code Enforcement / Rental Support – Residential and Code Enforcement / Rental Support – Rental which will allow for continuation of a program that assists with the elimination of slums and blighted conditions, as well as increases the number of safe, decent, affordable housing for low-income individuals.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager is hereby authorized, for and on behalf of the City, to amend the Annual Update of the Consolidated Plan for FY 2000-2001, after the required citizen review, provided there are no compelling objections to the Amendment, in accordance with the City Manager's report dated June 18, 2001, to this Council.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Crystal Spring Water Treatment  
Plant  
Contract Amendment No. 2

The City of Roanoke was notified by the Commonwealth of Virginia Department of Health on May 2, 2000 that, due to possible surface water influence, Crystal Spring could not be used as a water supply until the water was treated for potential surface contaminants. This has caused a loss of 3 - 4 million gallons of water per day in the potable water supply of the City of Roanoke.

A preliminary engineering study determined the most feasible method to treat Crystal Spring water was a membrane filtration system.

The project consultant, Wiley & Wilson, Inc., has requested additional compensation for two work tasks. These tasks are: 1) monitoring of the pilot testing of the membrane filtration equipment and 2) design of approximately 4,100 square feet of office space within the proposed water plant building. The office space will permit the approximately 15 Utility Department personnel currently working at other multiple locations to be housed in one facility. The proposed additional work will add \$63,000 to the base contract of \$500,000.

Partial funding of Amendment No. 2 is available in account number 002-510-8395, Crystal Spring Filter Plant (approximately \$47,000). The remaining funding is available in Water Fund Prior Year Retained Earnings.

Recommended Action:

Authorize the City Manager to execute Amendment No. 2 with Wiley & Wilson, Inc. in the amount of \$63,000 for additional design services for the Crystal Spring Water Treatment Plant.



The Honorable Mayor and Members of Council  
June 18, 2001  
Page 2

Appropriate \$20,000 from Water Fund Prior Year Retained Earnings and transfer to account number 002-510-8395, Crystal Spring Filter Plant.

Adopt a resolution indicating the City's intent to reimburse itself from the proceeds of Series 2002 General Obligation bonds to be issued in the future.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/PCS/bls

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance

#CM01-00109

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds for certain moneys to be appropriated by the City for expenditures in connection with Amendment No. 2 to the Crystal Spring Water Treatment Plant Project; and providing for an effective date.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. In accordance with U.S. Treasury Regulations, Section 1.150-2, the City hereby declares that it reasonably expects and intends to reimburse itself from the proceeds of its general obligation public improvement bonds in a principal amount not to exceed \$6,000,000 for certain moneys to be appropriated by the City from time to time for expenditures in connection with Amendment No. 2 to the Crystal Spring Water Treatment Plant Project (the "Project"), including, without limitation, the amount of \$63,000.00 appropriated by an ordinance adopted contemporaneously herewith by the City Council on June 18, 2001, in connection with the awarding of Amendment No. 2 for monitoring of the pilot testing of the membrane filtration equipment and the design of approximately 4,100 square feet of office space within the proposed water plant building at the Project.

2. The Council hereby determines that the appropriation authorized contemporaneously herewith is being made for a purpose for which the City is authorized to issue, and contemplated to be reimbursed from the proceeds of, general obligation public improvement bonds of the City. The maximum principal amount of debt expected to be issued for the Project is an amount not to exceed \$6,000,000.

3. This is a declaration of official intent adopted pursuant to U.S. Treasury Regulations, Section 1.150-2. This official intent is being made not later than sixty days after the payment of the expenditures authorized by Paragraph 1 of this Resolution.

4. The City Clerk is directed to file this Resolution among the permanent papers of the City and hold it available for public inspection pursuant to the Virginia Freedom of Information Act, 2.1-340, et seq., Code of Virginia (1950), as amended.

5. This Resolution shall be effective on and after the date of its adoption.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 2 to the City's contract with Wiley & Wilson, Inc. to monitor the pilot testing of the membrane filtration equipment and the design of approximately 4,100 square feet of office space within the proposed water plant building for the Crystal Spring Water Treatment Plant Project.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, in a form approved by the City Attorney, Amendment No. 2 to the City's contract with Wiley & Wilson, Inc., to monitor the pilot testing of the membrane filtration equipment and the design of approximately 4,100 square feet of office space within the proposed water plant building for the Crystal Spring Water Treatment Plant Project, all as more fully set forth in the letter to this Council dated June 18, 2001.

2. The Amendment No. 2 will provide authorization for additions in the work with an increase in the amount of \$63,000.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice-Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Subject:       Extension of Real Estate Tax Exemption to Enterprise Zone One  
                  and Extension of Time of Applicability of Local Incentives to  
                  Enterprise Zones

Dear Mayor Smith and Members of City Council:

On July 1, 1996, City Council adopted Ordinance No. 33019-070196, which approved, adopted and established certain local incentives for the area designated as Enterprise Zone Two in the City, and provided an effective date for the applicability of those incentives.

On July 19, 1999, City Council adopted Ordinance No. 34412-071999, which provided that certain local incentives available in Enterprise Zone Two would also be available within Enterprise Zone One, subject to approval by the Virginia Department of Housing and Community Development (DHCD). Such local incentives included a tax exemption of certain rehabilitated or renovated commercial or industrial real property. However, such local incentives were scheduled to end on June 30, 2001, unless extended by Council. The DHCD has approved the application of such local incentives to Enterprise Zone One. Now, Chapter 32, Article II, Division 5A, of the Code of the City of Roanoke (1979), as amended, needs to be amended to make such tax exemption available to such real property within Enterprise Zone One. Also, the availability of such local incentives, including the tax exemption, for both Enterprise Zone One and Enterprise Zone Two needs to be extended from June 30, 2001, to December 31, 2003.

#### Considerations:

In order to make the above tax exemption available for certain real property within Enterprise Zone One and to extend the availability of such tax exemption in both Enterprise Zone One and Two, the above-mentioned portion of the Code of the City of Roanoke needs to be amended. This is needed to continue economic incentives within both Enterprise Zones in order to attract and/or keep businesses within those Zones.

The DHCD requires that localities offer local incentives to supplement the incentives offered by the State for enterprise zones or risk the possibility of losing the designation of an enterprise zone. The City has done this with the local incentives offered within Enterprise Zone Two when it was created in January, 1996, and by making applicable local incentives from Enterprise Zone Two available within Enterprise Zone One by the July 19, 1999, ordinance mentioned above. However those incentives are scheduled to expire on June 30, 2001, and need to be extended to December 31, 2003. The December 31, 2003, date was selected since that is when the designation for Enterprise Zone One will expire or need to be extended and any further action can take place at that time in connection with such extension as the State may grant.

#### Recommended Action:

Amend Division 5A, Exemption of Certain Rehabilitated or Renovated Commercial or Real Property Located in Enterprise Zone Two, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by amending the title of Division 5A. and 32-101.1, Generally, 32-101.3, Eligibility of Commercial or Industrial Real Property, and 32-101.5, Application, to allow real property located in the City's Enterprise Zone One to be included within Division 5A., and qualify for tax exemptions provided for by Division 5A; and to extend the applicable time period to December 31, 2003.

Amend Ordinance No. 33019-070196, adopted by City Council on July 19, 1996, which established certain local incentives for Enterprise Zone Two and Ordinance No. 34412-071999, adopted by City Council on July 19, 1999, which made such local incentives apply to the City's Enterprise Zone One, by modifying both of them to provide that such local incentives for Enterprise Zone One and Enterprise Zone Two shall be applicable through December 31, 2003, and authorizing the City Manager to apply to DHCD for approval of such

amendments and/or to take such further action as may be necessary to obtain or confirm those amendments.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/sem

Attachments

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Elizabeth Neu, Director of Economic Development

CM01-00119



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Division 5A, Exemption of Certain Rehabilitated or Renovated Commercial or Industrial Real Property Located in Enterprise Zone Two, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by amending the title of Division 5A. and ' 32-101.1, Generally, ' 32-101.3, Eligibility of Commercial or Industrial Real Property, and ' 32-101.5, Application, to allow real property located in the City's Enterprise Zone One to be included within Division 5A., and qualify for tax exemptions provided for by Division 5A.; and to extend the applicable time period to December 31, 2003; and providing for an emergency.

WHEREAS, Roanoke City Council wishes to have the benefits of Division 5A., Article II, Chapter 32, Exemption of Certain Rehabilitated or Renovated Commercial or Industrial Real Property Located in Enterprise Zone Two, also made available to real property located within the City's Enterprise Zone One, all as more fully set forth in the City Manager's letter to City Council dated June 18, 2001.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Division 5A. Exemption of Certain Rehabilitated or Renovated Commercial or Industrial Real Property Located in Enterprise Zone Two, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Division 5A. Exemption of Certain Rehabilitated or Renovated  
Commercial or Industrial Real Property Located in either  
Enterprise Zone One or Enterprise Zone Two

' 32-101.1 Generally.

The Director of Real Estate Valuation shall, upon application made and within the limits hereinafter provided, order exemption of real property tax on real property substantially rehabilitated or renovated for commercial or industrial use and located within the area of either Enterprise Zone One or Enterprise Zone Two, as such area is shown on a map of Enterprise Zone One or Enterprise Zone Two, which maps are on file in the Office of the City Clerk.

\*\*\*

' 32.101.3 Eligibility of commercial or industrial real property.

(a) In order to qualify for the exemption from real property taxation for real property substantially rehabilitated or renovated for commercial or industrial use within either Enterprise Zone One or Enterprise Zone Two, a structure shall meet all of the following criteria:

- (1) Be no less than fifteen (15) years of age and located within either Enterprise Zone One or Enterprise Zone Two.

- (2) Be rehabilitated or renovated so as to increase the assessed value of the structure by at least fifty thousand dollars (\$50,000.00) or more;
- (3) Be designed for and suitable for commercial or industrial use after completion of such rehabilitation or renovation;
- (4) The structure has not received an exemption under Division 5, exemption of certain rehabilitated real property, of this chapter; and
- (5) The rehabilitation or renovation must be completed within one (1) year after the date of the filing of the application for exemption.

(b) The types of substantial rehabilitation or renovation improvements that will be considered as increasing the assessed value are limited to those made to the actual qualifying structure only. Other improvements, fees, or costs will not be considered.

(c) Any new additions to the qualifying structure or any additional square footage over the prerenovation or prerehabilitation square footage will not be considered as increasing the assessed value of the qualifying structure or eligible for or considered for the tax exemption since the purpose of this incentive is to encourage rehabilitation or renovation of existing structures.

\*\*\*

' 32.101.5. Application.

(a) Application for exemption of substantially rehabilitated or renovated real property from taxation under this division shall be filed by the owner of such property with the Director of Real Estate Valuation prior to commencement of any rehabilitation or renovation work for which exemption is sought. Each application for such exemption shall be accompanied by a

processing fee in the amount of fifty dollars (\$50.00). No property shall be eligible for such exemption unless all appropriate building permits have been acquired and the Director of Real Estate Valuation has verified that the rehabilitation or renovation indicated on the application has been completed. Furthermore, no property shall be eligible for such exemption if the Director of Real Estate Valuation has been denied access to the entire premises, either before or after the rehabilitation or renovation work for which the exemption has been sought, for purposes of determining whether the required rehabilitation or renovation has been completed and for appraising the property. The application for this exemption must be filed with the Director of Real Estate valuation during the period of July 1, 1996, through December 31, 2003, for property located within Enterprise Zone Two and during the period of July 19, 1999, through December 31, 2003, for property located within Enterprise Zone One, in order to be eligible for this exemption.

(b) The burden of proof shall be on the applicant to show that the structure for which the exemption has been filed complies with all the eligibility criteria established by this division. The Director of Real Estate Valuation may require documentary proof of eligibility and, in such cases, documentation satisfactory to the Director of Real Estate Valuation shall be presented by the applicant.

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending Ordinance No. 33019-070196, adopted by City Council on July 1, 1996, which established certain local incentives for the area designated as Enterprise Zone Two in the City, by modifying it to provide that such local incentives be applicable for the period of July 1, 1996, through December 31, 2003; amending Ordinance No. 34412-071999, which made the above mentioned local incentives apply to the City's Enterprise Zone One as of July 19, 1999, by modifying it to provide that such local incentives for Enterprise Zone One shall be applicable for the period of July 19, 1999, through December 31, 2003; authorizing the City Manager to apply to the Virginia Department of Housing of Community Development (DHCD) for the approval of the above amendments and/or to take such further action as may be necessary to obtain or confirm those amendments; and providing for an emergency.

WHEREAS, on July 1, 1996, City Council adopted Ordinance No. 33019-070196 approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone Two in the City of Roanoke; and

WHEREAS, on July 19, 1999, City Council adopted Ordinance No. 34412-071999, providing that the local incentives established for the area designated as Enterprise Zone Two shall also apply to the City's Enterprise Zone One as of July 19, 1999; and

WHEREAS, Ordinance No. 33019-070196, provided that the local incentives created by that ordinance, which were subsequently made applicable to the City's Enterprise Zone One, would end on June 30, 2001, unless otherwise modified by Council, and Council now wishes to extend the applicable time period for such local incentives to be applicable to Enterprise Zone One and Enterprise Zone Two from June 30, 2001, through December 31, 2003, at which time such local incentives will end unless otherwise modified by this Council. THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Ordinance No. 33019B070196, adopted by City Council on July 1, 1996, is hereby amended to provide that the certain local incentives approved, adopted and established by that ordinance for the area designated as Enterprise Zone Two in the City of Roanoke, including the 581/Hershberger Subzone of Zone Two, shall be applicable to Enterprise Zone Two for the period of July 1, 1996, through December 31, 2003, at which time such local incentives shall end, unless otherwise modified by this Council; and furthermore, all references in Ordinance No. 33019-070196 to the date of June 30, 2001, are hereby deemed to be amended and changed to December 31, 2003; all as more fully set out in the City Manager's letter to Council dated June 18, 2001.

2. Ordinance No. 34412-071999, adopted by City Council on July 19, 1999, is hereby amended to provide that the certain local incentives referred to in that ordinance and made applicable to the area designated as the City's Enterprise Zone One, formerly known as the Roanoke Urban Enterprise Zone, shall be available in Enterprise Zone One for the time period from July 19, 1999, through December 31, 2003, at which time such local incentives shall end, unless otherwise modified by this Council, all as more fully set forth in the City Manager's letter to Council dated June 18, 2001.

3. As amended, Ordinance No. 33019-070196, adopted July 1, 1996, and Ordinance No. 34412-071999, adopted July 19, 1999, are hereby affirmed and remain in full force and effect.

4. The City Manager is authorized to submit to the Virginia Department of Housing and Community Development all information necessary for approval or confirmation of the above amendments regarding local incentives, and to take such further action as may be necessary to meet other program requirements or to establish and administer the local incentives as set forth above. The City Clerk is authorized to execute and attest any documents that may be necessary or required for the purposes set forth above.

5. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Capital Improvement Program  
Funding for FY 2002-2006

**Background:**

At the Financial Planning Session, on March 10<sup>th</sup>, staff briefed City Council on the status of various capital projects. Based on the results of the Financial Planning Session, we have provided Council, as a separate document, an update to our Capital Improvement Program (CIP) for Fiscal Years 2002-2006. The CIP update reflects the current status of projects valued at \$116,682,311 that require City Council approval and/or funding. Based on funding previously allocated to these projects, \$98,165,000 in additional funding is required. Not included in the CIP update document is additional funding of \$2,362,930, detailed in the recommendation section that is needed to complete projects previously approved by City Council.

**Considerations:**

A total of \$100,527,930 in funding is required to continue implementation of the new and previously approved CIP projects. The recommended sources of funding are as follows:

General Obligation Bond Issue during FY 2002	\$56,245,000
Future General Obligation Bond Issue	36,870,000
Sale of Property	202,500



Water and Sewer Fund Retained Earnings	797,500
Transfers to Capital Projects	1,945,000
Undesignated Capital Funds	323,631
Capital Fund Interest Earnings	4,144,299
<b>Total</b>	<b>\$100,527,930</b>

Several actions are required of Council to continue implementation of the CIP at this time.

**Recommendation:**

- Approve the list of new Capital Projects requiring additional funding of \$72,165,000.

Art Museum/IMAX Theater	\$ 3,700,000
Crystal Spring Water Filtration Plant	5,445,000
Curb, Gutter and Sidewalk Program	5,000,000
Fire/EMS Facility Improvements	800,000
Greenways (Roanoke River Greenway)	1,000,000
High School Facility Improvements (Patrick Henry)	17,500,000
Neighborhood Storm Drain Program	2,000,000
New Police Building – Phase II	6,670,000
Parks Master Plan – Phase II	7,000,000
Roanoke Academy for Math and Science	4,600,000
Roanoke Passenger Station	1,250,000
Victory Stadium	16,200,000 *
YMCA Aquatic Center	1,000,000
<b>Total</b>	<b>\$72,165,000</b>

\*The total project cost is \$18,000,000 - \$1,800,000 in funding has been designated for the project, leaving a funding balance required of \$16,200,000.

- Authorize the City Clerk to advertise for a public hearing on July 16, 2001, or at such other time as the City Manager may deem appropriate, to be held for the purpose of receiving input on the issuance of \$31,245,000 in General Obligation Bonds under the Public Finance Act, Section 15.2-2600 et. seq., Code of Virginia (1950), as amended, for the following projects:

- Crystal Spring Water Filtration Plant  
\$ 5,445,000
- Curb, Gutter and Sidewalk Program  
5,000,000
- Roanoke Academy for Math and Science  
4,600,000
- Victory Stadium  
16,200,000

These bond funds will supplement \$25,000,000 in General Obligation Bonds previously authorized by City Council for the following projects:

- Civic Center Renovations \$  
3,000,000
- Greater Gainsboro/Downtown North Improvements 2,500,000  
(Shenandoah Parking Garage)
- Roanoke River Flood Reduction Project  
7,500,000
- South Jefferson Redevelopment Project  
12,000,000

The total bond issue during Fiscal Year 2001-02 will be \$56,245,000.

- Concur in the need for a future bond sale for \$36,870,000 to fund the following projects:

- Art Museum/IMAX Theater  
\$ 3,700,000
- High School Facility Improvements  
17,500,000
- Neighborhood Storm Drain Program 2,000,000
- New Police Building – Phase II 6,670,000
- Parks Master Plan – Phase II  
7,000,000

- Appropriate \$1,200,000 in capital fund interest earnings into accounts established by the Director of Finance to the following new projects:

- Fire/EMS Facility Improvement Program \$ 800,000
- Roanoke River Greenway 200,000
- YMCA Aquatic Center 200,000

- Appropriate \$2,362,930 to the respective capital project accounts established by the Director of Finance to the following projects

previously approved by City Council:

- \$900,000 in the FY 2000-01 Transfers to Capital Projects Account for the Victory Stadium project
- \$235,000 in the FY 2001-02 Transfers to Capital Projects Account for Victory Stadium
- \$252,677 in Undesignated Capital Funds to the Railside Linear Walk project
- \$94,299 in Capital Fund Interest Earnings to the Railside Linear Walk project
- \$13,500 in Undesignated Capital Funds to the Warehouse Row Buildings project
- \$57,454 in Undesignated Capital Funds to the Buildings category in the Capital Improvement Reserve
- \$500,000 in the FY 2001-02 Transfers to Capital Projects Account for the Curb, Gutter and Sidewalk project
- \$310,000 in the FY 2001-02 Transfers to Capital Projects Account for the Walnut Avenue Bridge project

Respectfully Submitted,

Darlene L. Burcham  
City Manager

DLB:afs

Attachment

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Barry L. Key, Director of Management and Budget

CM01-00121

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fund appropriation from  
Capital Maintenance and  
Equipment Replacement  
Program

On October 2, 2000, City Council concurred with the funding recommendations for the FY '00-'01 Capital Maintenance and Equipment Replacement Program (CMERP). CMERP is used to fund equipment purchases, maintenance and other one-time priority purchases.

City Council's approval is required for the appropriation of funds from CMERP to various accounts to allow for the replacement of various substandard and deteriorated park furnishings as needed to meet citizen requests for improved services to the community as listed on Attachment A of this letter. All acquisitions will be accomplished in accordance with the City's Procurement Policies, as set out in Chapter 23.1 of the Code of the City of Roanoke, Virginia.

Recommended Action:

Approve the budget ordinance to appropriate \$127,000.00 to departmental accounts as follows:

1. \$112,330.00 to Parks and Grounds Maintenance account #001- 620-4340-9015.
2. \$14,670.00 to Parks and Grounds Maintenance account #001- 620-4340-2035.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Director, OMB  
Wanda B. Reed, Acting Director, Parks & Recreation  
Robert L. White, Manager, Purchasing

CM01-00125

## Attachment A

### Capital Maintenance and Equipment Replacement Program (CMERP)

#### Recommendation Expenditures – Justification

##### Parks and Grounds Maintenance:

1.	Custom built trash cans	\$ 72,225.00
	Picnic Tables - 8'	12,880.00
	Park benches - 6'	11,450.00
	Folding chairs, tables, and chair racks	10,114.00
	Park benches - 8'	<u>5,661.00</u>
		\$112,330.00
2.	Cooking surfaces (bar-b-que grills)	\$ 4,571.00
	Concrete mixer	3,518.00
	Handicap accessible drinking fountains	2,252.00
	Bicycle racks	1,880.00
	Player's aluminum benches	1,750.00
	Concrete cigarette urns	<u>699.00</u>
		\$ 14,670.00

June 18, 2001

Honorable Ralph K. Smith, Mayor,  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Summer Food Appropriation

Background:

The City of Roanoke continues to provide wholesome activity for the nutritional needs of children and youth during the summer months through its Office on Youth supervised Summer Nutrition Program.

Breakfast and lunch is provided to children throughout the City from mid-June through early August. Last summer more than 2,300 children/youth received lunch and/or breakfast on a daily basis at fifteen sites (Attachment 1).

Funds for the program, now in its eighth year, are provided through the United States Department of Agriculture Food and Nutrition Service. It is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year. The purpose is to provide nutritionally balanced healthy meals to children ages one through eighteen. Adult summer staff manage the program and youth are hired to assist at the feeding locations. The City is reimbursed on a per meal basis.

Local cash match in the amount of \$15,000.00 was appropriated in the FY02 General Fund budget in Human Services Support budget account 001-630-1270-2010.



Honorable Mayor and Members of City Council  
June 18, 2001  
Page 2

Recommended Action(s):

Authorize the City Manager to accept the projected federal funds of \$151,193 from the United States Department of Agriculture Food and Nutrition Service. Decrease the FY02 Human Services Support account 001-630-1270-2010 by \$15,000 and increase the FY02 budget estimate for the Transfer to Grant Fund account 001-250-9310-9535 by \$15,000. Transfer \$15,000 local cash match to the grant fund. Authorize the Director of Finance to establish a revenue estimate in the amount of \$166,193, and appropriate funds to expenditure accounts listed in Attachment 1.

Respectfully submitted,

Darlene L. Burcham  
City Manager

Attachment 1

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Rolanda A. Johnson, Assistant City Manager for Community Development  
Glenn D. Radcliffe, Director of Human/Social Services  
Marion Vaughn-Howard, Program Manager, Office on Youth/Community Ed.

CM01-00114

## Attachment 1

### Budget Breakdown

1004	Temporary Wages	\$24,232
1120	FICA	1,754
2066	Program Activities	140,207
	<b>TOTAL</b>	<b>\$166,193</b>

### Summer Food Sites

- F. Apple Ridge Farms, Cooper Hill (off-site center)
- G. Blue Stone Housing Project
- H. Eureka Park Recreation Center
- I. Hunt Manor Housing Project
- J. Hurt Park Housing Project
- K. Indian Rock Village Housing Project
- L. Jamestown Place Housing Project
- M. Lansdowne Housing Project
- N. Lincoln Terrace Housing Project
- O. Jackson Park Recreation Center
- P. Rutherford Head Start Center
- Q. Salvation Army
- R. Noel C. Taylor Academy/Job Training Sites
- S. YMCA Family Center
- 15. 9<sup>th</sup> Street Boys & Girls Club
- 16. Roanoke Academy of Math & Science

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of reimbursement from USDA Food and Nutrition Service on behalf of the City for program costs for the implementation of the summer program, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The funds from the USDA Food and Nutrition Service, in the amount of \$151,193 for coordinated planning and program implementation of the Summer Food Service Program, as set forth in the City Manager's report dated June 18, 2001, is hereby ACCEPTED.
2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of this grant and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Recommendations of Cultural  
Services Committee

Background:

The Cultural Services Committee budget in the amount of \$283,443 was established by City Council with the adoption of the general fund budget for FY 2001-02. Requests from 17 agencies totaling \$658,656 were received as indicated on Attachment A. Committee members studied each application prior to an allocation meeting held April 10, 2001. Agencies were notified of tentative allocations and advised they could appeal these recommendations.

Considerations:

Appeals of committee recommendations, as provided by committee policy, were received after notification to each agency of its tentative recommended allocation. One appeal was filed and heard May 22, 2001, from the Harrison Museum of African American Culture. The Committee voted to allocate \$22,479 to the agency while also supporting their request to receive additional funds for operational support through a source other than the Cultural Services Committee.

Honorable Mayor and Members of Council  
Page 2  
June 18, 2001

Recommended Action:

Transfer \$283,443 as cited on Attachment A from the Cultural Services Committee account #001-310-5221-3700, to new line items to be established within the Cultural Services Committee budget by the Director of Finance for FY 2001-02.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:gr

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Elizabeth A. Neu, Director of Economic Development

Council # 01-00115

Agency	1999-2000 Appropriation	2000-2001 Request	2000-2001 Appropriation	2001-2002 Request
Arts Council of the Blue Ridge	10,000.00	12,000.00	11,500.00	13,500.00
Art Museum of Western VA	7,000.00	26,280.00	14,000.00	22,778.00
Blue Ridge Public Television	4,500.00	4,500.00	4,500.00	4,500.00
Blue Ridge Zoological Society of Virginia	-0-	24,000.00	10,047.00	12,000.00
Harrison Museum of African American Culture	36,272.00	78,000.00	17,223.00	97,078.00
Julian Stanley Wise Foundation	-0-	25,000.00	1,895.00	20,000.00
Mill Mountain Playhouse Co.	6,000.00	12,000.00	9,500.00	12,000.00
Opera Roanoke	5,000.00	7,500.00	6,272.00	7,875.00
Roanoke Ballet Theatre	1,500.00	2,000.00	1,875.00	1,575.00
Roanoke Museum & Historical Society of Western Virginia	10,000.00	10,000.00	9,125.00	10,000.00
Roanoke Symphony Society	18,000.00	30,000.00	21,500.00	40,000.00
Science Museum of Western VA	30,000.00	35,000.00	32,375.00	250,000.00
Southwest Virginia Ballet	-0-	4,000.00	2,250.00	2,350.00
Virginia's Explore Park	44,000.00	50,000.00	36,750.00	50,000.00

Virginia Museum of Transportation	85,000.00	100,000.00	85,000.00	100,000.00
Agency	1999-2000 Appropriation	2000-2001 Request	2000-2001 Appropriation	2001-2002 Request
Western Virginia Land Trust	4,300.00	50,000.00	5,375.00	10,000.00
*Young Audiences of Virginia	-0-	-0-	-0-	5,000.00
Monitoring	\$5,600.00		6,000.00	
<b>TOTAL</b>	267,172.00	470,280.00	275,187.00	658,656.00

**\* New Application**

## Attachment B

Agency	Roanoke 2000-01 Allocation	Roanoke 2001- 02 Proposed Allocation	Roanoke County 2000-01 Allocation	Roanoke County 2001-0 Allocation
Arts Council of the Blue Ridge	11,500.00	11,500.00	2,000.00	2,000.0
Art Museum of Western Virginia	14,000.00	14,000.00	-0-	-0
Blue Ridge Public Television	4,500.00	4,500.00	-0-	-0
Blue Ridge Zoological Society of Virginia, Inc.	10,047.00	10,047.00	5,000.00	5,000.0
Harrison Museum of African American Culture	17,223.00	22,479.00	-0-	2,000.0
Julian Stanley Wise Foundation	1,895.00	1,895.00	20,000.00	20,000.0
Mill Mountain Playhouse Company	9,500.00	9,500.00	5,000.00	5,000.0
Opera Roanoke	6,272.00	6,272.00	-0-	-0
Roanoke Symphony & Choral Society	21,500.00	21,500.00	6,000.00	6,000.0
Roanoke Valley Historical Society	9,125.00	9,125.00	7,500.00	7,500.0



Science Museum of Western Virginia	32,375.00	32,375.00	10,000.00	15,000.00
AGENCY	Roanoke 2000-01 Allocation	Roanoke 2001- 02 Proposed Allocation	Roanoke County 2000-01 Allocation	Roanoke County 2001-02 Allocation
Virginia s Explore Park	36,750.00	36,750.00	215,440.00	215,440.00
Virginia Museum of Transportation	85,000.00	85,000.00	5,000.00	5,000.00
Roanoke Ballet Theatre	1,875.00	1,875.00	-0-	-0-
Western Virginia Land Trust	5,375.00	5,375.00	4,000.00	-0-
Southwest Virginia Ballet	2,250.00	2,250.00	-0-	-0-
Young Audiences of Virginia	-0-	3,000.00	-0-	-0-
TOTAL	* 269,187.00	* 277,443.00	279,940.00	282,940.00

\*Total do not include monitoring fee of \$6,000. Total amount allocated for FY 2000-01 is \$275,187, FY 2001-02 is \$283,443.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Bids for Water and Waste-  
water Treatment Chemicals  
for FY '01-'02

Background:

Funds are designated in the operating budgets for Water and Water Pollution Control divisions to allow for the purchase of necessary chemicals to operate plants.

Bid requests, with specifications, were sent to thirty-five (35) vendors currently on the City's bid list. The bids were publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

All bids were evaluated in a consistent manner. No single vendor responded to all chemical requirements. This bid evaluation identifies the lowest responsible bid per product, per department:

Water Fund:

Description	Successful Bidder	Unit Purchase Price	Total Estimated Cost
Liquid Alum	General Chemical Corporation	\$ .4104 per gal.	\$ 70,466
Liquid Chlorine 150 lb. cylinders	JCI Jones Chemicals, Inc.	\$34.00 per cwt	\$ 8,670
2,000 lb. cylinders		\$12.05 per cwt	\$ 28,920
Sodium Hydroxide Carvins Cove	GFI Chemicals LP	\$ 1.289 per gal.	\$112,787
Sodium Hydroxide Falling Creek	JCI Jones Chemicals, Inc.	\$ 1.85 per gal.	\$ 7,400
Orthophosphate	Shannon Chemical Corporation	\$ 2.24 per gal.	\$ 34,720
Polymer Praestol 186 KH	Control Equipment Co., Inc.	\$ 4.524 per gal.	\$ 49,764
Total			\$312,727

Wastewater Treatment Fund:

Description	Successful Bidder	Unit Purchase Price	Total Estimated Cost
Liquid Chlorine 2,000 lb. cylinders	JCI Jones Chemicals, Inc.	\$ 12.05 per cwt	\$ 33,740
Ferric Chloride	Eaglebrook, Inc.	\$ .56 per gal.	\$128,800
Sulfur Dioxide	JCI Jones Chemicals, Inc.	\$370.00 per cyl.	\$ 51,800
Catonic Polymer	Ciba Specialty Chemicals Corporation	\$ 4.34 per gal.	\$ 43,400
Total			\$257,740

Funding is available in the Water account 002-510-2170-2045 and Water Pollution Control Plant accounts 003-510-3155-2045 and 003-510-3160-2045 FY '01-'02.

Recommended Action:

Authorize the acceptance of the lowest responsible bids for Water and Wastewater Treatment Chemicals as stated above and reject all other bids. Authorize the Manager of the Purchasing Department to issue the requisite purchase order for the above mentioned items.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Manager, OMB  
Robert L. White, Manager, Purchasing

CM01-00120

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the bids for water and wastewater treatment chemicals for fiscal year 2001-2002, and rejecting all other bids.

BE IT RESOLVED by this Council of the City of Roanoke that:

1. The bids in writing of the following named bidders to furnish to the City the items hereinafter set out and generally described as needed for the period July 1, 2001 to June 30, 2002, such items being more particularly described in the letter of the City Manager to this Council dated June 18, 2001, and in the City's specifications and any alternates and in each bidder's proposal, which are on file in the Purchasing Department are hereby ACCEPTED, at the unit purchase prices set out with each item:

Water Fund Item #	Description	Successful Bidder	Unit Purchase Price
1	Liquid Alum	General Chemical Corporation	\$ .4104 per gal.
2 a.	Liquid Chlorine 150 lb. cylinders	JCI Jones Chemicals, Inc.	\$ 34.00 per cwt
2 b.	Liquid Chlorine 2,000 lb. cylinders	JCI Jones Chemicals, Inc.	\$ 12.05 per cwt
3 a.	Sodium Hydroxide Carvins Cove	GFI Chemicals LP	\$ 1.289 per gal.
3 b.	Sodium Hydroxide Falling Creek	JCI Jones Chemicals, Inc.	\$ 1.85 per gal.
4	Orthophosphate	Shannon Chemical Corporation	\$ 2.24 per gal.
5	Polymer Praestol 186 KH	Control Equipment Co., Inc.	\$ 4.524 per gal.

Wastewater Treatment Fund			
Item #	Description	Successful Bidder	Unit Purchase Price
1	Liquid Chlorine 2,000 lb. cylinders	JCI Jones Chemicals, Inc.	\$ 12.05 per cwt
2	Ferric Chloride	Eaglebrook, Inc.	\$ .56 per gal.
3	Sulfur Dioxide	JCI Jones Chemicals, Inc.	\$370.00 per cyl.
4	Catonic Polymer	C i b a S p e c i a l t y Chemicals Corporation	\$ 4.34 per gal.

2. The City's Manager of the Purchasing Department is hereby authorized and directed to issue the requisite purchase orders for the above mentioned items, said purchase orders to be made and filed in accordance with the City's specifications, the respective bids made therefor and in accordance with this resolution.

3. Any and all other bids made to the City for the aforesaid items are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Bids for Ductile Iron Water Pipe  
Bid No. 01-05-61

Background:

Bids were requested on a fiscal year basis to provide and deliver to the City estimated quantities of ductile iron water pipe for a period of one (1) year, from July 1, 2001 to June 30, 2002.

Specifications were developed and sent with the Invitation for Bid to eight (8) vendors currently on the City's bid list. The bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

Four (4) bids were received. All bids received were evaluated in a consistent manner. U.S. Filter Distribution Group, Inc. was the low responsive and responsible bidder and meets the required specifications. Funding is available in the Water Department and various Capital accounts.

Recommended Action:

Accept the low bid and authorize the purchase of ductile iron water pipe from U.S. Filter Distribution Group, Inc. for a period of one (1) year on a unit cost basis as set forth in its bid documents, not anticipated to exceed \$163,719.00 and reject all other bids, Authorize the Manager of the Purchasing Department to issue the requisite purchase order therefor, incorporating into such order the City's specifications, the terms of the successful bidder's proposal and the terms and provisions of the attached resolution.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Manager, OMB  
Robert L. White, Manager, Purchasing

CM01-00117



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the bid of U.S. Filter Distribution Group, Inc. made to the City for furnishing and delivering ductile iron water pipe; and rejecting all other bids made to the City.

BE IT RESOLVED by this Council of the City of Roanoke that:

1. This unit price bid of U.S. Filter Distribution Group, Inc. made to the City, offering to supply ductile iron water pipe, for the period of July 1, 2001 to June 30, 2002, meeting all of the City's specifications and requirements therefor, at the unit price as set forth in its bid documents, not anticipated to exceed \$163,719.00, based on estimated quantities, which bid is on file in the Purchasing Department is hereby ACCEPTED, as set forth in the City Manager's letter to Council dated June 18, 2001.
2. The City's Manager of the Purchasing Department is hereby authorized and directed to issue the requisite purchase order therefor, incorporating into said order the City's specifications, the terms of said bidder's proposal and the terms and provisions of this resolution.

3. Any and all other bids made to the City for the aforesaid procurement are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk.

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Regulatory required revision to the local  
limits and sections of the Sewer Use  
Standards.

Background:

United States Environmental Protection Agency (U.S. EPA) regulations require that a scientific study and evaluation of the local limits section of sewer use ordinances/standards be conducted every five years. The requirements set forth specific criteria for the evaluation of the quality of the raw sewage and numerous considerations regarding plant performance in order to quantify permissible loading rates for specific pollutants. Computer analysis, using an approved U.S. EPA modeling program, of the collected data is performed in order to generate modifications to the current sewer use limits. In accordance with these regulations, the required study was completed by the Water Pollution Control Plant. The results of the study require that revisions be made to the quantity of various metals and other parameters specifically regulated by the local limits sections of the Sewer Use Standards. The revisions were calculated and submitted for approval to the Virginia Department of Environmental Quality (DEQ) and the U.S. EPA. Both agencies have issued approval of the required revisions. In addition to the required changes, additional work was done to clarify and/or simplify some of the language in that part of the City Code. This body of work and the subsequent revisions are necessary to maintain compliance with the current Virginia Pollution Discharge Elimination System (VPDES) permit for the Water Pollution Control Plant.

Considerations:

The approval process for the State DEQ included a public advertisement and public comment period regarding the proposed changes and Water Pollution Control Plant staff have directly communicated the changes to businesses and industries permitted for industrial discharge to the treatment plant. No significant comments were received in relation to either of these activities, as there has been a good understanding that these revisions are required by Federal regulations. Further, these changes do not present any budgetary concerns or considerations.

Recommended Action:

Adopt the revisions to the Sewer Use Standards, Code of the City of Roanoke (1979), as amended, Article III of Chapter 26, as set forth in the attached ordinance.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:sss

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Michael McEvoy, Director of Utilities

#CM01-00129



**draft**

IN THE COUNCIL OF THE CIT OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Chapter 26, Sewers and Sewage Disposal, Article III. Sewer Use Standards, Code of the City of Roanoke (1979), as amended, by amending certain subsections of ' 26-43, Definitions, ' 26-45, Prohibited discharges generally, ' 26-46, Discharge of heavy metals and toxic materials, ' 26-51, Discharge of substances capable of impairing, etc., facilities, and ' 26-56, Discharge permits for industrial waste, with regard to the quantity of various metals and other parameters specifically regulated by this Code in order to comply with regulations of the United States Environmental Protection Agency (EPA), which proposed amendments have been approved by both the EPA and the Virginia Department of Environmental Quality (DEQ); and providing for an emergency.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 26-43, Definitions, ' 26-45, Prohibited discharges generally, ' 26-46, Discharge of heavy metals and toxic materials, ' 26-51, Discharge of substances capable of impairing, etc., facilities, and ' 26-56 Discharge permits for industrial waste, Article III, Sewer Use Standards, Chapter 26, Sewers and Sewage Disposal, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

### ARTICLE III. SEWER USE STANDARDS

' 26-43. Definitions.

For the purpose of this article, the words and phrases set out in this section shall have the following meanings:

*Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. ' ' 1251, et seq., as amended.

\* \* \*

' 26-45. Prohibited discharges generally.

(a) No person shall discharge into public sewers any waste which, by itself or by interaction with other wastes, may:

\* \* \*

(b) Discharges into public sewers shall not contain:

- (1) Antifreeze from vehicle servicing operations. Discharges of glycols must be approved.
- (2) Fluoride other than that contained in the public water supply greater than twelve (12.0) mg/l.
- (3) Benzene, toluene, ethylbenzene and xylene (BTEX) greater than five (5.0) mg/l.
- (4) Pollutants which create a fire or explosive hazard in the P.O.T.W., including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in 40 CFR 261.21.
- (5) Strong acid or concentrated plating solutions, whether neutralized or not.

- (6) Fats, wax, grease or oils, from restaurants or other facilities as deemed necessary by the POTW, whether emulsified or not, in excess of two hundred (200) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0° and 65° Centigrade).
- (7) Total Petroleum Hydrocarbons in excess of 200. mg/l.
- (8) Obnoxious, toxic or poisonous solids, liquids, gases, vapors, or fumes in quantities sufficient to violate the provisions of subsection (a) of this section.
- (9) Waste, wastewater or any other substance having a pH lower than five (5.0) or any other substance with a corrosive property capable of causing damage or hazard to structures, equipment, or personnel at the wastewater facility.
- (10) Waste, wastewater or any other substance containing phenols, hydrogen sulfide or other taste-and-odor producing substances that have not been minimized.
- (11) Antimony and beryllium greater than one (1.0) mg/l.
- (12) Hazardous wastes.
- (13) Trucked or hauled pollutants, except at discharge points designated by the control authority. Companies that truck or haul pollutants to the POTW are subject to inspections of their facilities, including but not limited to offices, garages and buildings used to house the trucks.
- (14) Trucked or hauled industrial wastewater, without prior approval and not meeting all local limits, with the exception that wastewater pumped from restaurant grease traps may be trucked or hauled and discharged only at a designated area at the wastewater treatment plant.
- (15) Wastes pumped from oil/water separators.



- (16) After treatment of the composite wastewater, effluent concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

\* \* \*

' 26-46. Discharge of heavy metals and toxic materials.

\* \* \*

- (b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods" are:

- (1) Arsenic: 0.18 mg/l.
- (2) Barium: 5.0 mg/l.
- (3) Boron: 1.0 mg/l.
- (4) Cadmium: 0.03 mg/l.
- (5) Chromium (total): 1.95 mg/l.
- (6) Chromium VI: 0.06 mg/l.
- (7) Copper: 0.68 mg/l.
- (8) Cyanide: 0.06 mg/l.
- (9) Lead: 0.3 mg/l.
- (10) Manganese: 1.0 mg/l.
- (11) Mercury: 0.003 mg/l.
- (12) Nickel: 0.23 mg/l.
- (13) Selenium: 0.02 mg/l.
- (14) Silver: 0.54 mg/l.
- (15) Zinc: 0.8 mg/l.

\* \* \*

' 26-51. Discharge of substances capable of impairing, etc., facilities.

\* \* \*

- (b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:

\* \* \*

- (1) Inert suspended solids greater than two hundred fifty (250) mg/l including, but not limited to Fuller's earth, lime slurries and lime residues;
- (2) Dissolved solids greater than five hundred (500) mg/l including, but not limited to sodium chloride and sodium sulfate;
- (3) Excessive discoloration including, but not limited to dye wastes and vegetable tanning solutions. Color (due to dye): 750. A.D.M.I.

\* \* \*

- (f) No person shall discharge into public sewers solid or viscous substances which violate subsection (a) of this section, if present in sufficient quantity or size, including but not limited to:

- (1) Ashes.
- (2) Cinders.
- (3) Sand.
- (4) Mud.
- (5) Straw.
- (6) Metal.
- (7) Glass
- (8) Rags.
- (9) Feathers.
- (10) Tar.
- (11) Plastics.
- (12) Wood.
- (13) Underground garbage.
- (14) Paunch manure.
- (15) Hair and fleshing.
- (16) Entrails.
- (17) Paper products, either whole or ground by garbage grinders.
- (18) Slops.
- (19) Bulk solids.
- (20) Wastes pumped from oil/water separators.

\* \* \*

' 26-56. Discharge permits for industrial waste.

\* \* \*

- (g) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, at least ten (10) days before the date of the bypass, if possible. An industrial user will immediately notify the POTW of any unanticipated bypass. A written report must be submitted within five (5) days.

\* \* \*

2. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect immediately upon its passage.

ATTEST:

City Clerk.

June 18, 2001

The Honorable Ralph K. Smith, Mayor  
The Honorable William H. Carder, Vice Mayor  
The Honorable William D. Bestpitch, Council Member  
The Honorable C. Nelson Harris, Council Member  
The Honorable W. Alvin Hudson, Jr., Council Member  
The Honorable William White, Sr., Council Member  
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

On April 16, 2001, Roanoke City Council adopted Resolution No. 35293 in a public hearing. The resolution authorized the City to issue general obligation bonds in 2002 in the principal amount of twelve million dollars pursuant to the Public Finance Act of 1991 (Code of Virginia). The proceeds are for the purpose of assisting the Roanoke Redevelopment and Housing Authority (RRHA), in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project.

Funding in the amount of four million dollars has been requested by the RRHA and will be used for property acquisition, relocation of existing businesses, environmental remediation, and demolition. These funds will be provided through the General Obligation Bonds to be issued in the Winter of 2002 as the Series 2002 bond issue.

We recommend that Council adopt the attached ordinance to appropriate \$4,000,000 from the sale of the Series 2002 general obligation bonds to the South Jefferson Project account number 008-052-9633.

Sincerely,

Darlene L. Burcham  
City Manager

James D. Grisso  
Director of Finance

JDG/JSY/pac  
Attachments

c: William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk

John P. Baker, Executive Director, RRHA

June 5, 2000

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: Reenactment of City Code

Dear Mayor Bowers and Council Members:

Since 1982, City Council has reenacted and recodified the City Code on an annual basis in order to properly incorporate in the Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code. This procedure ensures that the ordinances codified in our Code incorporate the most recent amendments to State law.

Incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety. In addition, the technique ensures that local ordinances are always consistent with the State law as is generally required.

The procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General. See Report of the Attorney General (1981-1982) at 272. I recommend that Council adopt the attached ordinance to readopt and reenact the Code of the City of Roanoke (1979). If the attached ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Sincerely yours,

William M. Hackworth  
City Attorney

WMH:f  
Attachment

cc: Darlene L. Burcham, City Manager  
James D. Ritchie, Deputy City Manager  
George C. Snead, Jr., Assistant City Manager for Community Development  
The Honorable Donald S. Caldwell, Commonwealth's Attorney  
A. L. "Joe" Gaskins, Chief of Police  
Mary F. Parker, City Clerk

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Council Members:

The City accounts for all self-insured liabilities in its Risk Management Internal Service Fund. This fund has incurred costs in excess of budget during FY 2001, and it has also billed user funds and departments at amounts exceeding the original revenue estimates to recover those costs. To properly balance the budget to actual accounting for the year, several budgetary adjustments are recommended. The adjustments are as follows:

Expenditure Accounts:

c Environmental Management Regular Employee Salaries (019-310-1214-1002)

*An increase of \$8,000 is needed because the position budgeted was at a lower pay grade than actually utilized. The related benefit accounts also require some adjustment as follows:*

c Environmental Management City Retirement (019-310-1214-1105)  
Increase \$1,500

c Environmental Management FICA (019-310-1214-1120) Increase \$2,000

c Risk Management Fees For Professional Services (019-420-1262-2010)  
*An increase of \$12,000 is needed to provide funding for professional fees paid for a consultant study of utilizing a third party for workers= compensation. A*



*report will be presented at the July 2, 2001 City Council meeting regarding a recommendation to contract for these services.*

- c Risk Management Self Insured Auto Liability Claims (019-420-1262-2173)  
*An increase of \$20,000 is needed due to claims in the fiscal year which exceeded the original estimate of \$69,000. Fluctuation occurs from year to year in the level of such expenses based upon our experience.*
- c Risk Management Miscellaneous Claims (019-420-1262-2172)  
*An increase of \$80,000 is needed due to the unusually high level of claims paid for water main breaks during the cold winter season.*
- c Risk Management Workers Comp Medical Expenses (019-420-1262-2181)  
*An increase of \$250,000 is needed due to a higher than typical level of medical claims paid. This is due to several fairly severe medical conditions which have resulted in costly medical expenses.*

Revenues:

- c Risk Management Billings to General Fund (019-110-1234-0952)  
*An increase of \$3,500 is needed due to increased fund billings resulting from higher expenses than originally anticipated.*
- c Risk Management Billings to Water Fund (019-110-1234-0953)  
*An increase of \$120,000 is needed due to the additional billings made to this fund for water main breaks incurred during the year. Other expense increases also necessitated a higher billing. Funding is available in the water fund operating accounts to provide for higher billings.*
- c Risk Management Workers Comp Billings - Medical (019-110-1234-1171)  
*An increase of \$250,000 is needed in the revenue account to correspond to the increased expense budget cited before. These billings are made to all funds of the City, the largest being made to the General Fund. Additional funding of \$212,000 was allocated from unused FICA to cover General Fund workers=comp expenditures. Other Funds can absorb additional workers=comp costs through operating accounts.*

The attached budget ordinance adjusts revenues and expenses as outlined in this report. We recommend City Council s approval of the ordinance.

Sincerely,

Darlene L. Burcham  
City Manager

James D. Grisso  
Director of Finance

JDG/AHS:s

Attachment

c:     Barry L. Key, Director of Management and Budget  
       Ann H. Shawver, Manager of Accounting Services  
       Glenn A. Asher, Risk Management Officer  
       J. Cary Lester, Jr., Environmental Administrator

June 18, 2001

**TO:** Honorable Mayor and Members of City Council

**FROM:** James D. Grisso, Director of Finance

**SUBJECT:** Appropriation of Additional Funding for Transportation Fund

The annual Transportation Fund Appropriation of the City of Roanoke for the fiscal year beginning July 1, 2001, and ending June 30, 2002, with revenues totaling \$1,970,217 and expenditures totaling \$2,043,043, was adopted by the Council of the City of Roanoke on May 7, 2001 by Ordinance No. 35334-050701 (see attached). The Transportation Fund revenues fund expenses less depreciation plus principal reduction on indebtedness. The appropriation of \$73,200 for the purchase of an automated parking ticket system was omitted from the ordinance.

The attached ordinance will appropriate \$73,200 to the 2001-2002 Transportation Fund Budget to provide funding for the automated parking ticket system. We recommend it for your approval.

---

Director of Finance

JDG/THT  
Attachment

June 18, 2001

The Honorable Ralph K. Smith, Mayor  
The Honorable William H. Carder, Vice Mayor  
The Honorable William D. Bestpitch, Council Member  
The Honorable C. Nelson Harris, Council Member  
The Honorable W. Alvin Hudson, Jr., Council Member  
The Honorable William White, Sr., Council Member  
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Capital Projects of all types have been approved by Council for construction over the past years. These projects have included construction in major categories for buildings, parks, streets, bridges, sanitary sewers, water projects, storm drains, and various technology related projects. Funding is established for each project when Council approves the project based on the bids for the various project costs, as well as extra funding for possible contingencies. Some projects have contingency funds remaining after the final bills are paid, because projects are completed within the established budgets.

A number of projects have been completed and can be closed. Remaining funds need to be transferred from the completed projects to capital projects still under construction. The attached budget ordinance will transfer remaining funding of \$306,389 from completed projects to related projects under construction. \$89,318 in funds have been transferred from the completed Sidewalks and Curbs Phase 3 and Phase 4 projects to the continuing Sidewalks and Curbs Phase 5 project. The Three Bridge Replacement Project has been closed, and \$89,608 in remaining funds have been transferred to the ongoing Bridge Maintenance Project. Also, several bridge related projects have been closed, and \$48,231 has been transferred to the new Memorial Bridge Rehabilitation Project. Thomason Road Engineering Project and the Murdock Creek Drainage Project have been completed and will transfer \$30,591 and \$36,636 respectively to the recently created Miscellaneous Drainage Phase 2 Project. Various Department of Technology projects have been closed, and \$19,929 has been transferred to an existing project account for System Development.

We recommend that Council adopt the budget ordinance which will transfer funds from completed capital projects into appropriate accounts.

Sincerely,

James D. Grisso  
Director of Finance

JDG/JSY/pac  
Attachments

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Philip C. Schirmer, City Engineer

June 18, 2001

The Honorable Ralph K. Smith, Mayor  
The Honorable William H. Carder, Vice Mayor  
The Honorable William D. Bestpitch, Council Member  
The Honorable C. Nelson Harris, Council Member  
The Honorable W. Alvin Hudson, Jr., Council Member  
The Honorable William White, Sr., Council Member  
The Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of the City Council:

This report summarizes the appropriation of the following School Board grants for 2001-2002.

\$3,194,048 for the Title I Winter Program to provide remedial reading, language arts and mathematics instruction for students in targeted schools.

\$146,285 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.

\$204,512 for the Title VI Program to provide funds for the implementation of innovative instructional programs in the school district and to provide visiting teacher services.

\$687,263 for Title VI Class Size Reduction initiative provides funds for the placement of twelve classroom teachers in grades one through three throughout the district to reduce class size in those grades so that there are no more than eighteen students in each class.

\$1,419,311 for the Governor's School Program to provide instruction in science and math to high school students from seven feeder school districts.

\$85,933 for the Eisenhower Title II Professional Development program provides funds for the development of innovative math, science and technology teaching strategies to implement Virginia's Standards of Learning.

\$1,681,197 for the Flow Through Program to provide aid for the education and guidance of handicapped students.



\$197,817 for the Fleming-Ruffner Community Learning Center (FRCLC) addresses the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. FRCLC is designed to provide significant expanded learning opportunities that contribute to reduced drug use and violence as it assists students to meet or exceed local and state standards in core academic subjects.

\$69,755 for the Child Specialty Services Program to provide funds for the salary and expenses of the educational coordinator.

\$73,460 for the Child Development Clinic Program to provide funds for the salary and expenses of the educational coordinator at the clinic.

\$222,391 for the Juvenile Detention Home Program to provide funds for the salary and expenses of the educational coordinators.

\$135,979 for the Preschool Incentive Program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall.

\$163,604 for the Adult Basic Education Program to provide funds for the education of adults who have not completed high school. Matching funds will be provided in the amount of \$22,700.

\$131,211 for the Apprenticeship Program to provide on-the-job and classroom vocational instruction for students in the apprenticeship program.

\$49,960 for the Jobs for Virginia Graduates Program follows the curriculum of the Jobs for America's Graduates program to provide classroom training and work experience to assist at least 25 economically disadvantaged students to prepare for high school graduation or to sit for the General Education Development (GED) examination. Assistance will be provided to the students to find employment in a job which will allow for transition from school to work. Local match in the amount of \$28,960 will be provided from account 001-060-6001-6000-0204.

\$397,251 for the Perkins Act Program to provide funds for vocational equipment.

\$39,911 for the Regional Adult Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district which includes the Cities of Roanoke, Salem, Covington and Clifton Forge and the Counties of Roanoke, Craig, Botetourt and Alleghany.

\$150,098 for the Regional Adult Literacy (TAP) Program to provide funds for the administration of adult literacy programs in Alleghany County, Roanoke County and the Cities of Covington, Clifton Forge and Salem.

\$8,612 for the General Education Development (GED) Testing Program to provide instructors for GED preparation classes and for the administration of the GED examinations. The source of funds is to be with student fees.

\$56,297 for the Summer Youth Employment program provides training and hands-on experience for disadvantaged or handicapped youth from the inner city, with the goal of enhancing employment potential, developing employment competencies, and earning academic credit toward the high school.

\$26,913 for the Workplace Education Program to provide instructional programs developed with area business establishments for employees at the work sites. Programs include the development of knowledge and skills in areas including preparation for the GED examination, reading comprehension, telephone usage, other work skills and English as a second language. Funding for the program is provided through the assessment of fees.

\$35,222 for the Regional Adult Basic Education Program to provide funds for the administration of adult literacy programs in Botetourt County and Craig County. Roanoke City serves as the regional coordinating agency for Adult Basic Education. Funds pass through the school district to the jurisdictions indicated above for adult literacy programs.

\$21,341 for the Adult Education in the Jail Program to provide for instruction to inmates in the Roanoke City Jail to aid in their acquisition of the General Education Development (GED) certificate.

\$1,375,023 for the Alternative Education Program to provide alternative curriculum and training for high risk students at the Noel C. Taylor Learning Academy, with a focus on improving the total self concept of the student. Local match revenue in the amount of \$1,285,158 is provided from account 030-060-6001-6300-0588.

\$90,706 for the Drug Free Schools Program to provide for two student assistance counselors at the secondary level to work with substance abuse issues.

\$159,071 for the Roanoke Adolescent Health Partnership to provide for medical services to the Roanoke City Schools in conjunction with the City of Roanoke Health Department and Carilion Health Systems. The program expenses are reimbursed by donations from Carilion Health Services.

\$3,750 for the Grants Management Program to provide funding for the operating expenses of the Office of Grants.

\$243,863 for the Project YES (Youth Experiencing Success) Program to identify, assess, evaluate and provide assistance for at-risk sixth and ninth grade students who are potential dropouts.

\$67,041 for the Homeless Assistance Program to provide instructional services to homeless students. Local match funds for the program in the amount of \$32,041 will be provided from account number 030-060-6001-6029-0121.

\$47,367 for the State Truancy Project to provide support for the Roanoke City attendance effort.

\$449,532 for the Blue Ridge Technical Academy to provide an educational training program for students at risk of academic failure and dropping out of school. The regional high school will provide 200 at-risk youth with the academic competencies and technical skills required to obtain substantial employment in the local labor market by focusing on skill development in the areas of manufacturing technology, computer science and electronics, health and medical services, optics, and consumer services. The Technical Academy is chartered by the Roanoke City Public Schools, and is housed in the Roanoke Higher Education Center.

\$6,797 for the Special Education Interpreter Training program provides funds for the development of training curriculum for the hearing impaired program.

\$170,173 for the Special Education Jail Program provides funds for the salary and expenses of the staff providing special education instruction and screening services to the inmates of the Roanoke City Jail.

\$305,665 for the Innovative Grant to provide funding to implement the International Baccalaureate (IB) Preparatory program at James Breckinridge Middle School to facilitate whole school reform through adoption of the IB Middle Years Program.

We recommend your approval of the attached budget ordinance.

Sincerely,

James D. Grisso  
Director of Finance

JDG/JSY/pac

Attachment

c: Darlene L. Burcham, City Manger  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
E. Wayne Harris, Superintendent of City Schools

**June 18, 2001**

**Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member**

**Dear Mayor Smith and Members of Council:**

**Subject: Policy on Sale of Land in City Owned  
Watersheds**

**Background:**

**The City of Roanoke currently owns over 14,000 acres of watershed and buffer property for the protection and preservation of the Carvins Cove Reservoir and the Beaver and Falling Creek Reservoirs. Watershed property provides drainage from rainfall into the storage reservoirs and is the only source of recharge. Buffer property, while beyond the divide of the watershed, provides protection against intrusion upon the watershed property.**

**City policy has been that watershed property is not for sale while buffer property may be considered for lease or sale on an extremely limited basis.**

**The City receives requests periodically for the purchase of watershed and buffer property from adjoining property owners. Recent requests have identified a need to establish a policy for the sale of property within the City of Roanoke water supply watersheds.**

**Recommended Action:**

**City Council concur with the City Manager and Director of Utilities and adopt the attached policy on the sale of land in city owned watersheds to establish a consistent means of addressing future requests.**

**Respectfully submitted,**

**Darlene L. Burcham  
City Manager**

**DLB:je  
Attachment**

**c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Michael McEvoy, Director of Utilities  
Jesse H. Perdue, Jr., Manager, Water Division**

**CM01-0047**

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Richard A. Dearing to close, vacate and  
discontinue a certain public alley running between  
Richelieu and Crystal Spring Avenue, S.W., as the same extends and lies  
between tax parcel nos. 1052401 and 1052404.

Planning Commission Action:

On May 17, 2001, the Planning Commission held a public hearing on the  
proposed closure. By a vote of 5-0 (Messrs. Butler, Chrisman, Dowe, Hill and  
Manetta voting for approval; Messrs. Campbell and Rife absent), the  
Commission recommended that City Council approve the request to  
permanently vacate, discontinue and close the described public alley subject  
to conditions:

Background:

Public alley requested for permanent vacation, discontinuance and closure extends between Crystal Spring Avenue and Richelieu Avenue, S.W., and is located approximately 90' to 100' feet south of the South Roanoke Fire Station and the intersection at 24<sup>th</sup> Street, S.W. Alley has concrete entrances at both avenues but appears to be overgrown with tree limbs and ground foliage beyond the point of the initial entrances.

Alley is bounded on the north side by a parcel of land identified as Official Tax Parcel No. 1052401, which is owned by the applicant, Richard A. Dearing, and is bounded on the south side by a parcel of land identified as Official Tax Parcel No. 1052404, which is owned by Lacy H. McClain and Ann P. McClain. The abutting property owners are both in agreement on the closure and vacation of the subject alley (see attached letter- McClain).

Planning Commission public hearing was held on Thursday, May 17, 2001. Mr. Richard Dearing appeared before the Commission and stated he had purchased an apartment house on adjoining lot and would like to combine the alley with his property and use it for parking. Mr. Ted Tucker gave the staff report noting that the alley served no practical purpose and had not been used for years. He said staff was recommending approval. There was no one present to speak either in favor of or against the request.

#### Considerations:

Land within the alley being requested for closure and vacation is currently serving no useful purpose. Upon the closure and vacation of the alley the land within the alley right-of-way will revert back to the City's real estate tax rolls and all future City costs required for maintenance of the alley will be eliminated.

This application has been reviewed by all responsible internal departments. No concerns or objections have been received by the planning staff. No public or private utilities have been identified as being located within the right-of-way of this alley.

No other property owner will be affected by this proposed vacation and closure.



Recommendation :

The Planning Commission recommended that City Council approve the request to permanently vacate, discontinue and close the described public alley subject to the following conditions:

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right- of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of the City of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then this ordinance shall be null and void with no further action by City Council being necessary

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

ERT:mpf  
attachments

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Richard Dearing, Petitioner

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Shenandoah Crossings, L.P., represented by Daniel F. Layman, Jr., Attorney, that an alley extending between Shenandoah and Centre Avenues, N.W., and running through the middle of property occupied by GOB South, designated as Official Tax No. 2013606, be permanently vacated, discontinued and closed.

Planning Commission Action:

On May 17, 2001, the Planning Commission held a public hearing on the proposed closure. By a vote of 6-0 (Messrs. Butler, Chrisman, Dowe, Hill, Manetta and Rife voting for the request; Mr. Campbell absent), the Planning Commission recommended that City Council approve the request for the City to vacate all such interest as it may have, if any, in the above described alley subject to certain conditions.

Background:

On December 31, 1889, The Greenbelt Land Mining and Development Company of Virginia conveyed a certain parcel of land to the Norfolk and Western Railway Company. This land parcel, located at what is now the northwest corner of Jefferson Street and Shenandoah Avenue, N.W., is described by metes and bounds in this century old deed of conveyance. This deed also includes a description of the subject alley that is currently being requested for vacation by the applicant, Shenandoah Crossings, L.P. The subject alley is also shown on an old survey map (Official Survey No. 1, N.W., dated 1911). The alley, however, is not shown on the City's current Official Tax Appraisal Maps as a public right-of-way and City staff has been unable to locate any legal instrument or other evidence to verify that this right-of-way was ever dedicated or conveyed to the City, or improved or maintained by the City for public use.

According to City records the building currently existing at this location, General Office Building South (GOB South), was constructed many years ago, on, over and across this area previously designated on the above-cited survey and deed as a 15 foot wide alley. There is no existing record or notation shown on any of the City's official maps to indicate any closure, vacation or abandonment of the subject alley either before or after the construction of the GOB South Building.

The petitioner Shenandoah Crossings L.P., has now acquired this property and is currently renovating the GOB South Building as a multifamily housing development. The purpose of the request to close and vacate the subject alley is to remove and eliminate the subject alley as an objection to title to the land occupied by the GOB South Building. The petitioner owns all of the land abutting upon both sides of the subject alley.

Planning Commission public hearing was held on Thursday, May 17, 2001. Mr. Daniel F. Layman, Jr., attorney, appeared before the Commission on behalf of Shenandoah Crossings and stated that the alley in question did not appear on any official City maps and that the only reference had been found when researching title. He said that vacation was needed to clear the title. Mr. Ted Tucker gave the staff report. Mr. Tucker said there was no evidence the City had ever maintained the alley and the alley was of no value to the City. He

said that staff was recommending vacation. There was no one present who spoke either in favor of or against the request.

#### Considerations:

Applicant is requesting that the City vacate any interest it may have in the above described alley. Although this area was referenced as an alley in a deed of conveyance and was later platted on an official survey, there is no available evidence that any land in this area was ever dedicated or conveyed to the City for public right-of-way purposes.

For many years the City has vacated numerous public rights-of-way according to the location and dimensions of such rights-of-way as shown on the City's official maps, even in instances where considerable doubt existed as to whether the City owned or in fact, had any vested interest in such rights-of-way.

Although there is no alley right-of-way on this section of the City's official appraisal maps at this specific location that can be marked as vacated, the recordation of a plat or re-plat of the land approved by the City in accordance with the subdivision ordinance will legally terminate and extinguish all interests that the City may have, if any, in any right-of-way designated on such plat for vacation. The applicant is required to submit a plat of subdivision to the City as a standard condition of the City's approval of the applicant's request.

This request for closure and vacation of the subject alley has been reviewed by all responsible internal City departments. No objections to the requested vacation have been received. The proposed vacation will not affect any other property owner.

#### Recommendation:

The Planning Commission recommended that City Council approve the request for the City to vacate all such interest as it may have, if any, in the above-described alley subject to the following conditions:

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of the City of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary

Respectfully submitted

D. Kent Chrisman, Chairman

Roanoke City Planning  
Commission

attachments

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Manager  
Daniel F. Layman, Attorney for the Petitioner



June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Melrose Properties, Inc. that property located at Melrose Avenue and 24<sup>th</sup> Street, N.W., designated as Official Tax No. 2420205, commonly known as the W.B. Clements, Inc. property, be rezoned from C-2, General Commercial District, to IPUD, Industrial Planned Unit Development District, such rezoning to be subject to certain conditions proffered by the petitioner.

**Planning Commission Action:**

On May 17, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0-1 (Messrs. Butler, Chrisman, Dowe, Hill and Manetta voting for the petition, Mr. Rife abstaining, and Mr. Campbell absent), the Planning Commission recommended approval of the proposed rezoning subject to the proffered conditions.

**Background:**

The property proposed for rezoning is located at Melrose Avenue and Twenty-fourth Street, N.W. and had two buildings on it, the former K-Mart building, now occupied by W.B. Clements, Inc., and a smaller building on the westerly side of the property that is currently occupied by Flowers Baking Co., Thrift Store and Warehouse.

The purpose of this rezoning is to encourage development of this site for light manufacturing (i.e., warehousing, distribution) and commercial (i.e., general retail) purposes.

Section 36.1-308 of the zoning ordinance requires that an IPUD district consist of at least twenty (20) acres, or ten (10) acres if located in the urban enterprise zone. The property consists of 10.325 acres and is located in the urban enterprise zone.

An amended petition to rezone from C-2 to IPUD was filed on May 17, 2001 with the following proffered conditions:

1. Only the following permitted uses shall be permitted:
  - (a) Principal permitted uses in the LM, Light Manufacturing District, as listed in the Roanoke City Code, Section 36.1-249.
  - (b) Nonresidential uses permitted in the C-2, General Commercial District, section 36.1-206, provided that the total gross floor area devoted to these uses does not exceed fifteen (15) percent of the gross land area within the IPUD.
2. Lighting shall be shielded from adjacent residential areas.
3. The development of the property shall be in substantial conformity with the attached development plan prepared by Rife and Wood dated April 5, 2001, which is attached as Exhibit C, which is attached as Exhibit C.

Neighborhood organizations surrounding the subject property are the Melrose Rugby Neighborhood Forum (northeast), Loudon-Melrose Neighborhood Organization (east), and Villa Heights Crime Prevention Organization (northwest). On April 18, 2001, a meeting was attended by the representatives from all three previously mentioned organizations, Mr. John Lipscomb, business partner of David A. McCray, the applicant, and City staff. Mr. John Lipscomb responded to questions regarding land use and development of the property, traffic impact, and safety. Residents expressed concern with respect to the management of truck traffic serving the property and use of the property. Mr. Kenneth King, the City's Traffic

Engineer, reported at the meeting that the proposed rezoning and corresponding development is expected to generate approximately 200 vehicles during the P.M. peak hour (4:00 – 6:00 P.M.). This generation is significantly less than the level that was present when the Kmart was still in operation. The uncontrolled driveways on Melrose Avenue and 24th Street warrant attention and should be monitored for potential problems; however, no problems are foreseen at this time.

At the Planning Commission public hearing on May 17, 2001, *Mr. David Diaz* presented the report on behalf of the Planning staff and recommended approval of the requested rezoning. *Mr. John Lipscomb, property owner*, presented the proposed rezoning to the Commission advising that he met with various neighborhood leaders and City staff and the request had been well received. *Mrs. Estelle McCadden, president of the Melrose-Rugby Neighborhood Forum*, appeared before the Commission stating that she had met with the applicant and expressed her concerns regarding buffering and retail uses. Mrs. McCadden noted that she wanted the site to be buffered in order to not disturb or impact the youth at the nearby school, the library and other surrounding locations. She also stated that she would like to have some retail uses in this site that would not generate a significant amount of traffic. Mr. Lipscomb responded to the concerns raised expressing that buffering along the perimeter of the site was being proffered. Mr. Lipscomb also noted that he would consider retail uses in the site and was currently talking with prospective tenants.

### **Considerations:**

The existing zoning pattern of the surrounding area is a combination of C-2, General Commercial, to the north; RM-2, Residential Multi-Family, Medium Density District to the west; and C-2 to the east and south. Land uses in the area include an elementary school, a fire station, residential property, and several commercial businesses, both retail and office. Landsdowne Housing Development is located approximately one block away from the subject property.

The subject property was originally designed for use as a large retail sales center with an expansive asphalt parking area. The applicant's proffered site plan proposes to replace various areas of this asphalt parking area for the purposes of installing street trees and a new parking layout with traffic islands.

The IPUD district allows commercial uses in the C-2 district provided the total gross floor area devoted to these uses does not exceed fifteen (15) percent of the total gross land area within an IPUD. The applicant's proposed use of this site, as a business center with light manufacturing and commercial uses, is consistent with the intent, as set out in Section 36.1-307, and application, as set out in Section 36.1-308, of the Zoning Ordinance, for an IPUD.

The City Traffic Engineer does not anticipate significant traffic issues with the proposed rezoning.

Storm water management for the proposed development can be handled on the property and are not expected to be an issue because of the existing paved surfaces.

The proposed development plan has been submitted for formal review and approval as a Comprehensive Development Plan.

The *Comprehensive Plan* recommends that:

1. Development of new or existing industrial areas should be carefully planned and designed to promote quality development and good land use.
2. Controls to help ensure that new or expanded industrial developments are good neighbors for residential areas should be carefully evaluated and strengthened where necessary.

**Recommendation:**

Planning Commission recommends that City Council approve the proposed rezoning subject to the proffered conditions.

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

DKC/dd



## Attachments

c: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community  
Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Melrose Properties, LLC, Petitioner

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Melrose-Rugby Neighborhood Plan

**Planning Commission Action:**

On May 17, 2001, the Planning Commission held a public hearing on the proposed amendment to the Comprehensive Plan to incorporate the Melrose-Rugby Neighborhood Plan. By a vote of 5-0 (Messrs. Campbell and Rife absent), the Planning Commission recommended the Comprehensive Plan be amended to incorporate the Melrose-Rugby Neighborhood Plan.

**Background:**

The Melrose Rugby Neighborhood Plan was developed over a series of four community workshops sponsored by the City and the Melrose-Rugby Neighborhood Forum, Inc. The plan was developed based on an evaluation of existing neighborhood conditions and concerns identified by community residents.

**Considerations:**

The City's *Comprehensive Plan* recommends that detailed neighborhood

plans be developed and adopted for each of Roanoke's neighborhoods.

The plan for Melrose-Rugby Neighborhood has been reviewed by the neighborhood, by City staff, and by the Long Range Planning Committee of the City Planning Commission.

The plan identifies four high-priority initiatives:

- Adopt the Neighborhood Design District overlay to ensure new development is compatible with existing development.
- Change zoning patterns to reinforce existing residential densities and discourage future strip commercial development.
- Improve the curb and sidewalk system.
- Improve code enforcement, especially in areas along Orange Avenue.

To support these initiatives, the plan recommends a future land use map to guide development and zoning patterns in the neighborhood. The land use map establishes a network of commercial centers surrounded by higher density residential development, with lower residential densities throughout the rest of the neighborhood. A key development area is Heritage Acres, which has been identified as a mixed-use development site as part of Vision 2001 that could include a small commercial center, a church, townhouses, apartments, and single-family dwellings.

The Planning Commission held a public hearing on the plan at its May 17, 2001 meeting. Mr. Chris Chittum, City Planner II, presented the staff report and recommended amendment of the Comprehensive Plan to incorporate the Melrose-Rugby Neighborhood Plan. Mr. Chittum discussed zoning patterns in the neighborhood and indicated areas that would be considered for rezoning.

The Commission discussed the Heritage Acres area near the 1900 block of Andrews Road. The area was subdivided for residential development in the 1970's, but the property has not been fully developed. Staff indicated that the property could be an opportunity for mixed-density residential development, with possible neighborhood commercial development close to 19th and Andrews Road.

Mrs. Estelle McCadden, President of the Melrose/Rugby Neighborhood Forum,



Inc., said her neighborhood organization approved of the plan and was proud of its involvement in developing it. She noted that new site for the Roanoke Academy for Math and Science (RAMS) was proposed for 19<sup>th</sup> Street and Andrews Road, but advised that no final decision had been made. The Commission discussed the loss of park space due to location of schools in parks and advised that further discussion of park land use was needed

Mr. Carl Cooper (2021 Carroll Avenue, N.W.) appeared before the Commission and said he did not have any objections to the plan specifically, however, he wished to ensure that current plans and planning decisions are compatible with the comprehensive plan that is now being written. Mrs. Evie Lander, Director of Planning and Code Enforcement, advised that the Melrose-Rugby Neighborhood Plan does not conflict with any provision of the new comprehensive plan being developed.

**Recommendation:**

The Planning Commission recommends amendment of the Comprehensive Plan to incorporate the Melrose-Rugby Neighborhood Plan.

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

CC:mpf

Attachments

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE,  
VIRGINIA

THIS 17<sup>TH</sup> day of May, 2001

A RESOLUTION recommending the adoption of the Melrose-Rugby  
Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Melrose-  
Rugby neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city  
staff, and the Long Range Planning Committee of the Roanoke City Planning  
Commission; and

WHEREAS, the Melrose-Rugby Neighborhood Plan has been  
advertised in accordance with Section 15.2-2204 of the Code of Virginia  
(1950), as amended, and pursuant to that notice, a public hearing was held on  
May 17, 2001, at which all persons having an interest in the matter were given  
a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Melrose-Rugby Neighborhood Plan, dated May 17, 2001, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

**REPORT WAS NOT  
PROVIDED TO  
CLERK'S OFFICE**

June 18, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of the City of Roanoke to permanently vacate, discontinue and close a certain alley crossing Official Tax No. 4010213, located between Norfolk Avenue, S.E., and property bearing Official Tax No. 4010209 and facing Salem Avenue, S.E., be permanently vacated, discontinued and closed.

Planning Commission Action:

On May 17, 2001, the Planning Commission held a public hearing on the proposed closure. By a vote of 5-0-1 (Messrs. Butler, Dowe, Hill, Manetta and Rife voting for the request, Mr. Campbell absent and Mr. Chrisman abstaining), the Commission recommended that City Council approve the request to permanently vacate, discontinue and close the alley subject to conditions.

Background:

The above described alley is an 18-foot wide undeveloped alley right-of-way that extends from the southerly right-of-way boundary of Norfolk Avenue, S.E., across an existing paved parking lot and terminates at the rear of Billy's Ritz and Tony's restaurants on Salem Avenue, S.E. This alley right-of-way was created by Ordinance No. 12130, on May 17, 1954.

All of the properties abutting upon the subject alley are owned by the applicant, the City of Roanoke, which intends to convey the land within the vacated right-of-way and the surrounding properties identified as Tax Parcels 4010213, 4010212, 4010209, and 4010205 to the Western Virginia Foundation for the Arts and Sciences. The land is to be used for the development of a new structure to house an art museum and an IMAX theater.

This undeveloped alley right-of-way is currently serving no useful purpose. This alley right-of-way currently lies within the center of an existing parking lot and is not being used as a public alley. Closure and vacation of the alley will provide additional land that can be used by the above described foundation for purposes that would be more beneficial to the needs of the general public.

Planning Commission public hearing was held on Thursday, May 17, 2001. Mr. Phil Schirmer, City Engineer, appeared on behalf of the City. Mr. Ted Tucker gave the staff report, recommending approval of the requested closure. There was no one present who spoke in favor of or in opposition to the request.

#### Considerations:

Application has been reviewed by all responsible and affected internal City departments. No concerns or objections have been expressed by any internal City department.

Applicant advises that the total area to be vacated will be more accurately defined on the plat of survey/subdivision to be required as a condition to the vacation of the subject alley. Appalachian Electric Power Company has notified staff that it has facilities above the subject alley right-of-way. There are no other public or private utilities located within the alley right-of-way.

The City's Comprehensive Plan recommends that available land should be utilized in the most appropriate manner.

#### Recommendation:

The Planning Commission recommended that City Council approve the request to permanently vacate, discontinue and close the described undeveloped alley subject to the following conditions:

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right- of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of the City of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary

Respectfully submitted

D. Kent Chrisman, Chairman

Roanoke City Planning  
Commission

attachments



cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

***BESTPITCH  
35393***



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 18, 2001  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

- 1. Call to Order--Roll Call.** Council Members White and Wyatt were absent.

**The Invocation was delivered by The Reverend John S. Johnson, Director of Programs, Rescue Mission.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**Welcome. Mayor Smith.**

## **NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 21, 2001, at 7:00 p.m., and Saturday, June 23, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [www.roanokegov.com](http://www.roanokegov.com), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.**

## **PRESENTATIONS:**

Proclamation declaring November 19 - 23, 2001, as "The Week of the Family".  
**File #3-72**

A Resolution in recognition of the work of Deborah J. Moses, Executive Director of the Hotel Roanoke Conference Center Commission.

**Adopted Resolution No. 35393-061801. (5-0)**  
**File #80-184-247**

Proclamation declaring June 27, 2001, as Mary C. Pickett Day.  
**File #3-80-132**

**2.**

## **CONSENT AGENDA**

**(APPROVED 5-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

C-1            Minutes of the regular meeting of Roanoke City Council held on Monday, June 4, 2001.

**RECOMMENDED ACTION:** Dispense with the reading thereof and approve as recorded.

- C-2           A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

**File #110-132**

- C-3           A communication from Council Member William D. Bestpitch requesting a Closed Meeting to discuss appointments to a specific committee, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

**File #110-132**

- C-4           A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

**File #132**

- C-5           Minutes of the meeting of the Audit Committee held on Monday, June 4, 2001.

RECOMMENDED ACTION: Receive and file.

**File #110-300**

- C-6           A communication from Robert H. Bird, Municipal Auditor, submitting his notice of retirement as Municipal Auditor for the City of Roanoke, effective September 28, 2001.

RECOMMENDED ACTION: Receive and file the communication and accept the notice of retirement.

**File #184-280**

- C-7           A communication from David A. Bowers, Chair, Passenger Rail Service Committee, transmitting copy of a portion of the Spring 2001 newsletter, *The Inside Track*, with regard to recent statistics on Amtrak ridership and revenues for the first half of fiscal year 2001.

RECOMMENDED ACTION: Receive and file.

**File #340**

- C-8           A communication from the City Manager recommending that a public hearing be advertised for Monday, July 2, 2001, at 2:00 p.m., in connection with an agreement with the YMCA to partner with the City on the development and use of a new facility.

RECOMMENDED ACTION: Concur in request.

**File #100-450**

- C-9           A communication from the Honorable Ralph K. Smith, Mayor, transmitting the 2001 Report of the Board of Equalization.

RECOMMENDED ACTION: Receive and file.

**File #79**

- C-10          Qualification of Nancy F. Canova as a member of the Fair Housing Board for a term ending March 31, 2004.

RECOMMENDED ACTION: Receive and file.

**File #15-110-178**

## **REGULAR AGENDA**

### **3. HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.**

#### **4. PETITIONS AND COMMUNICATIONS:**

- a. A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, recommending acceptance of grant funds, in the amount of \$20,191.00, from the Compensation Board Technology Trust Fund for upgrades to current recordation equipment; and a communication from the City Manager concurring in the recommendation.

**Adopted Budget Ordinance No. 35394-061801 and Resolution No. 35395-061801. (5-0)**  
**File #60-214-472**

- b. A communication from the Roanoke City School Board requesting appropriation of funds to certain school accounts for fiscal year 2001-02; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Budget Ordinance Nos. 35396-061801 and 35397-061801. (5-0)**  
**File #60-467**

#### **5. REPORTS OF OFFICERS:**

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending execution of an agreement with the History Museum and Historical Society of Western Virginia to operate the old Crystal Spring Pumping Station Museum, upon certain terms and conditions.

**Adopted Resolution No. 35398-061801. (5-0)**  
**File #216-425-468**

2. A communication recommending appropriation of \$95,000.00 in connection with two transportation projects.

**Adopted Budget Ordinance No. 35399-061801. (5-0)**  
**File #20-60-102-514**

3. A communication recommending acceptance of a Bulletproof Vest Partnership Grant from the U. S. Department of Justice, in the amount of \$14,515.00; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35400-061801 and**  
**Resolution No. 35401-061801. (5-0)**  
**File #5-60-236-472**

4. A communication recommending acceptance of Emergency Shelter Grant funds for fiscal year 2001-02, in the amount of \$76,000.00, from the U. S. Department of Housing and Urban Development; and appropriation of funds in connection therewith.

**Adopted Budget Ordinance No. 35402-061801 and**  
**Resolution No. 35403-061801. (5-0)**  
**File #60-72-236-178**

5. A communication recommending acceptance of fiscal year 2001-02 funds for the HOME Investment Partnerships Program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith.

**Adopted Budget Ordinance No. 35404-061801 and**  
**Resolution No. 35405-061801. (5-0)**  
**File #60-72-236**



6. A communication recommending acceptance of fiscal year 2001-02 funds for the Community Development Block Grant program from the U. S. Department of Housing and Urban Development; and appropriation and transfer of funds in connection therewith.

**Adopted Budget Ordinance No. 35406 on first reading, and Resolution No. 35407-061801 (4-0, Council Member Bestpitch abstained from voting.)  
File #60-178-236**

7. A communication recommending an amendment to the Annual Update to the Consolidated Plan for fiscal year 2000-01.

**Adopted Budget Ordinance No. 35408-061801 and Resolution No. 35409-061801. (5-0)  
File #60-178-236**

8. A communication with regard to Amendment No. 2 with Wiley and Wilson, Inc., for additional design services for the Crystal Spring Treatment Plant.

**Adopted Budget Ordinance No. 35410-061801 and Resolution Nos. 35411-061801 and 35412-061801. (5-0)  
File #53-60-468**

9. A communication with regard to extension of real estate tax exemption to Enterprise Zone One and extension of time of applicability of local incentives to enterprise zones.

**Adopted Ordinance Nos. 35413-061801 and 35414-061801. (5-0)  
File #24-79-178**

10. A communication with regard to Capital Improvements Program funding for fiscal year 2002-2006.

**Adopted Budget Ordinance No. 35415-061801 and Resolution No. 35416-061801. (5-0)  
File #60-217**

**The City Clerk was authorized to advertise a public hearing for Monday, July 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen input regarding issuance of \$31,245,000.00 in General Obligation Bonds under the Public Finance Act.**

**Council concurred in the need for a future bond sale in the amount of \$36,870,000.00**

11. A communication with regard to fund appropriations totaling \$127,000.00 to the Capital Maintenance and Equipment Replacement Program.

**Adopted Budget Ordinance No. 35417-061801. (5-0)  
File #60-270**

12. A communication with regard to the Summer Food Service Program fund appropriation.

**Adopted Budget Ordinance No. 35418-061801 and Resolution No. 35419-061801. (5-0)  
File #60-178-304**

13. A communication transmitting recommendations of the Cultural Services Committee for fiscal year 2001-02.

**Adopted Budget Ordinance No. 35420-061801. (5-0)  
File #60-394**

14. A communication with regard to bids received by the City for water and wastewater treatment chemicals.

**Adopted Resolution No. 35421-061801. (5-0)**  
**File #468**

15. A communication with regard to bids received by the City for ductile iron water pipe from U. S. Filter Distribution Group, Inc.

**Adopted Resolution No. 35422-061801. (5-0)**  
**File #468-472**

16. A communication with regard to revisions to the Sewer Use Standards.

**Adopted Ordinance No. 35423-061801. (5-0)**  
**File #24-27**

17. A joint communication from the City Manager and the Director of Finance with regard to appropriation of \$4 million from Series 2002 GOB - South Jefferson Street project.

**Adopted Budget Ordinance No. 35424-061801. (5-0)**  
**File #53-60-514**

b. CITY ATTORNEY:

1. A report recommending adoption of a measure to readopt and reenact the Code of the City of Roanoke (1979).

**Adopted Ordinance No. 35425-061801. (5-0)**  
**File #24**

c. DIRECTOR OF FINANCE:

1. A report with regard to budget adjustments in the Risk Management Internal Service Fund.

**Adopted Budget Ordinance No. 35426-061801. (5-0)**  
**File #60-396**

2. A report with regard to appropriation of \$73,200.00 to the 2001-02 Transportation Fund budget to provide for an automated parking ticket system.

**Adopted Budget Ordinance No. 35427-061801. (5-0)**  
**File #5-60-331**

3. A report recommending transfer of funds from completed capital projects to appropriate accounts.

**Adopted Budget Ordinance No. 35428-061801. (5-0)**  
**File #60**

4. A report with regard to appropriation of Roanoke City School Board grants for fiscal year 2001-02.

**Adopted Budget Ordinance No. 35429-061801. (5-0)**  
**File #60-467-236**

## **6. REPORTS OF COMMITTEES: NONE.**

## **7. UNFINISHED BUSINESS:**

- a. A communication from the City Manager recommending adoption of a policy on the sale of land in City-owned watersheds.

**Adopted Resolution No. 35430-061801. (5-0)**  
**File #2-166-468**

## **8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **9. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

## **10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**THE MEETING WAS DECLARED IN RECESS FOR THREE CLOSED SESSIONS.**

**AT 4:00 P.M., COUNCIL MET WITH THE CITY PLANNING COMMISSION AND THE VISION 2001, COMPREHENSIVE PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ROANOKE.**

**AT 5:35 P.M., COUNCIL AND THE CITY PLANNING COMMISSION HELD A JOINT SESSION WITH REGARD TO THE CITY'S DRAFT COMPREHENSIVE PLAN.**

**AT 6:25 P.M., THE MEETING WAS DECLARED IN RECESS AND COUNCIL RECONVENED IN CLOSED SESSION AT 6:30 P.M., IN THE COUNCIL'S CONFERENCE ROOM.**

**AT 6:50 P.M., THE MEETING RECONVENED IN THE COUNCIL CHAMBER.**

**CERTIFICATION OF CLOSED SESSION. (4-0) (COUNCIL MEMBERS HUDSON, WHITE, AND WYATT WERE ABSENT.)**

**COUNCIL APPOINTED THE FOLLOWING PERSONS:**

**Linda Gravely as a member of the Special Events Committee for a term ending June 30, 2002.**

**Sharon Hicks as a member of the Youth Services Citizen Board for a term ending May 31, 2004.**

**Michael Brennan as a member of the Roanoke Arts Commission for a term ending June 30, 2004.**

**George Kegley as a member of the Roanoke Arts Commission to fill the unexpired term of Lu Jean Bedard ending June 30, 2002.**

**AT 6:55 P.M., THE MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 18, 2001  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**Call to Order -- Roll Call.** Council Members Hudson ,White, and Wyatt were absent.

**The Invocation was delivered by Council Member C. Nelson Harris.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**Welcome. Mayor Smith.**

## **NOTICE:**

**Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 21, 2001, at 7:00 p.m., and Saturday, June 23, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.**

### **A. PUBLIC HEARINGS:**

1. Public hearing on a request of Richard A. Dearing to vacate, discontinue and close a certain public alley extending between Richelieu and Crystal Spring Avenues, S. W. Richard A. Dearing, Spokesperson.

**Adopted Ordinance No. 35431 on first reading. (4-0)  
File #51**

2. Public hearing on a request of Shenandoah Crossing, L. P., that an alley extending between Shenandoah and Centre Avenues, N. W., Official Tax No. 2013606, be permanently vacated, discontinued and closed. Daniel F. Layman, Jr., Attorney.

**Adopted Ordinance No. 35432 on first reading. (4-0)  
File #51**

3. Public hearing on a request of Melrose Properties, L.L.C., that a tract of land located at Melrose Avenue and 24<sup>th</sup> Street, N. W., Official Tax No. 2420205, be rezoned from C-2, General Commercial District, to IPUD, Industrial Planned Unit Development District, subject to certain proffered conditions. David A. McCray, Spokesperson.

**Adopted Ordinance No. 35433 on first reading. (4-0)  
File #51**



4. Public hearing to receive citizen input on a proposed amendment to Roanoke Vision, the City's Comprehensive Development Plan for Roanoke, to include the Melrose-Rugby Neighborhood Plan as an element of said Plan. D. Kent Chrisman, Chair, City Planning Commission.

**Adopted Resolution No. 35434-061801. (4-0)**  
**File #424**

5. Public hearing to receive citizen input on a proposal to convey portions of City owned property located at the Roanoke Centre for Industry and Technology to Blue Hills Golf Corporation (approximately 14,000 square feet) and to Anderson Wade Douthat, *et al.* (approximately 12,000 square feet). Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35435 on first reading. (4-0)**  
**File #166-207**

6. Public hearing on a request of the City of Roanoke that a certain alley which crosses Official Tax No. 4010213, between Norfolk Avenue, S. E., and property bearing Official Tax No. 4010209, and facing Salem Avenue, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35436 on first reading. (4-0)**  
**File #51**

**B. OTHER HEARING OF CITIZENS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Robert Gravely, 617 Hanover Avenue, N.W., addressed Council with regard to wages of city employees.**